# Town of Catskill Planning Board

Planning Board Meeting

June 28, 2022 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, (Zoom Media), William DeLuca, Angelo DiCaprio Heather Bagshaw,

Brittany Williams**,** Jay Lesenger (Alternate Member), Secretary Patricia Case-Keel.

**Absent:** Vice Chairman- Larry Federman, Bridgett Hernandez.

**Also Present:** Ted Hilscher (Town Attorney )

Alternate member Jay Lesenger was voting at tonight’s meeting in place of Board member Larry Federman

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 July 12, 2022 and July 26, 2022. For applications requiring a 239 Review, the Greene County Planning Board’s next scheduled meeting will be held on July 16, 2022 and August 17, 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.**

No one representing SUP-1-2002 was present at tonight’s meeting.

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

**Site Plan Review SPR-1-2022 Rip & Wolf 734 R.t 32A, Palenville**

Ms. Golden gave a brief overview of the project to date, and then opened the Public Hearing for SPR-1-2022 734 Rt. 32A, Palenville. The Notice of Public Hearing was published in the Daily Mail on June 22, 2022 and June 23, 2022.

**NOTICE OF PUBLIC HEARING**

The Town of Catskill Planning Board will hold a Public Hearing on application Site Plan Review SPR-1-2022 pursuant to Section 160-13 of the Town of Catskill Zoning Code to allow the Development of a boutique bar & retail store on lands owned by Jessica Walsh located at 734 RT 32A , Palenville NY Tax Map #184.20-1-5 The Public Hearing will be held on the 28h day of June ,2022 at 6:35 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 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. By order of Teresa Golden Chairwoman, Planning Board, Town of Catskill

Kevin Conklin was representing the applicant at tonight’s public hearing. Mr. Conklin stated the applicant is requesting this site plan review for the purpose of renovating the existing structure on the site, and to develop a duel occupancy for a retail use and bar, with both uses being permitted by Zoning. Mr. Conklin submitted a letter from an engineer Christopher D Chiaro, indicating the applicability for a septic on the site.

Ms. Golden read the letter aloud a letter submitted by the engineer and the response from SHPO.

Zim Levine resides at 732 Rt. 32. Mr. Levine asked if there would be any water testing conducted for the neighbors prior to construction and after construction has been completed to ensure the ground disturbance will not affect the local water supply.

Ms. Golden responded the Board has received a letter from DEC dated back in 1999, indicating the matter regarding the water contamination had been closed .Because DEC considers the issue closed, the Board cannot do any more regarding this matter. Anyone who would like to have their water tested can do so themselves.

Mr. Levine asked in regards to the liability, if pollutants were to show up in his water.

Mr. Hilscher answered this matter is outside of the Planning Boards purview. The Board has 2 letters from DEC indicating the issue regarding the water contamination was closed. The Planning Board has no authority to require of an applicant to go on private property and conduct a water test.

A resident wanted to know what the hours of operations will be, and what the potential will be for noise coming from the site, especially if there are any plans for live music. Also he has concerns regarding the fire pit because his widows will be facing the location of the fire pits. Any wood burning could be a concern for him.

Mr. Conklin answered the fire pits will be propane, and the hours of operation for the retail half will be from 12:00 PM until10:00PM and the hours of operation for the bar will be from 2:00 PM until 10:00PM and the bar may be seasonal depending on the traffic. There are no plans for live music.

Ms. Golden stated if there is an issue regarding noise the Town does have a noise ordinance.

Mr. Levine discussed with Mr. Conklin in regards to a concept for a sound barrier. Mr. Conklin stated there are plans to have shrubbery along Rt.32 A

Dan McCarthy resides at 3276 Rt23A. Mr. McCarthy stated he had acquired twice about purchasing the parcel located at 734 Rt 32A but did not because of the history regarding the gas leak he would be able to obtain liability insurance. At that time had had spoken with Bill Picket who was at that time the DEC Region 4 spill specialist. It was indicated by DEC that whoever owns the land is still liable for future contaminations coming from the site. He has no problem with the applicant running a bar at the site, and knows her to be very committed, but what he is concerned with is contamination to his well, as well as the surrounding vicinity, and what could happen because he does not think the applicant will be able to obtain liability insurance. He would like to know what contingencies are in place for the neighbors.

Mr. Conklin responded he appreciates Mr. McCarthy’s comments and concerns, but there are very common filtration methods which were being suggested by DEC back when the spill had taken place. For the use on site, it will be considered a public water supply, and will have to obtain approval from the Department of Health and DEC. The well currently was tested by Claverack Pump and it was indicated there was no order but there were organics and the well will require a filtration system. There is no intention of digging up the parking area, and the only proposed excavating will involve a 4’ x 2’ x 55’ of trenching for footings.

Ms. Bagshaw asked if the applicant has liability insurance.

Mr. Conklin answered “Yes”.

Mr. McCarthy asked if the applicant has specific petroleum tests (5.24.2 & 310.34) conducted on the water and if they were conducted by a State license lab. Those were the tests recommended to him by DEC, and for specific for distillates.

Mr. Conklin answered he does not believe those test were conducted on the water.

Discussion ensued.

Ms. Bagshaw stated from a land use perspective versus a legal action involving DEC, the Planning Board’s hands are tied in this matter.

Mr. Hilscher stated the issue regarding liability is outside of what the Planning Board considers. As far as DEC is concerned the Board has a letter from Edward Hogan of the DEC, Indicating no DEC review is necessary, along with additional correspondence from DEC which the Chairwomen read loud. The Board has no authority to request of the applicant to conduct specific tests to their water. The applicant will have to have the water approved by DOH which is a State agency and this is a matter DOH specifically manages.

Discussion ensued.

Heather Williams resides in Round Top .She operates a food truck on the site and had considered purchasing the site herself when it came up for sale, but was scared off due to the liability .That land has been vacant for many years and her thoughts are anyone willing to take on the land and the liability and bring it back to life, she is all for it.

Doreen Davis resides at 58 Pennsylvania Avenue, Palenville . Mrs. Davis stated Palenville is 8 miles from Cairo, 8 miles from Catskill, 8 miles from Hunter and 8 miles from Saugerties. The Township has lost several businesses in the past several years. The site is at the cross roads of two highways, to be developed appropriately. She is also very aware of the issues with the site. DEC does not write things inappropriately or frivolously. She knows that everyone at this meeting will do diligence on this exercise, and would like to thank everyone involved.

Ms. Golden read aloud a letter submitted by Jessica Rosenkrantz indicating concerns regarding the environment, parking and, traffic flow.

Mr. Conklin stated currently on the Rt.32A side, it’s a wide open curb cut to the traffic lights. In an effort to control traffic it would be better to have the traffic flow away from the traffic light. The plan is to remove the split rail fence and replace it with a the another fence and then identify a 24’ opening closer to the building and have the traffic flow on the 32A side but away from the light and the same way on the 23A side

Geri Berrino resides in the Township of Hunter. She believes this business will help bring Palenville back, and it will be a plus for the community.

Jessica Rosenkrantz asked what the hours of operation would be and if there will be any issues regarding noise coming from the site if any events are held there.

Mr. Conklin answered the house will be 2:00 PM – 10:00 PM for the bar and there are no plans for bands to play on the site, and the hours of operation for the retail will be 12:00 PM -10:00 PM.

Ms. Golden asked 3 times if there were any questions or comments regarding SPR- 1-2022.

There were no questions or comments.

Mr. DiCaprio made a motion to close the Public Hearing for SPR-1-2022, seconded by Ms. Bagshaw

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Absent

Ms. Golden Aye

Ms. Bagshaw Aye

Brittany Williams Aye

Jay Lesenger Aye Motion Approved

Ms. Golden thanked everyone for participating in tonight’s Public Hearing.

**Public Hearing Closed at 7:15 PM**

eaHearing is still open **OLD BUSINESS:**

**Site Plan Review SPR-1-2022 Rip & Wolf 734 R.t 32A, Palenville**

Mr. DeLuca asked how parking spaces are proposed on the site.

Mr. Conklin answered 14 for customers and employees may park at the Circle W.

Mr. Hilscher read aloud part 2 of the EAF with all answered being “No or small impact”

Ms. Bagshaw made a motion to declare a Negative Declaration for SPR-1-2022. Seconded by Mr. DeLuca

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Absent

Ms. Golden Aye

Ms. Bagshaw Aye

Brittany Williams Aye

Jay Lesenger Aye Motion Approved

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

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Absent

Ms. Golden Aye

Ms. Bagshaw Aye

Brittany Williams Aye

Jay Lesenger Aye Motion Approved

Ms. Bagshaw made a motion to accept the resolution approving SPR-1-2022 , seconded by Mr. Lesenger

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Absent

Ms. Hernandez Absent

Ms. Golden Aye

Ms. Bagshaw Aye

Brittany Williams Aye

Jay Lesenger Aye Motion Approved

**OTHER BUSINESS:**

Mr. Hilscher stated the Planning Board may be convening this fall to review the Towns Code again. In the meantime if any of the Board members want to take a look at what’s currently there and then make recommendations.

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

Planning Board meeting ended at 7:25 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 7/26/22