# Town of Catskill Planning Board

Planning Board Meeting

November 8, 2022 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman (Zoom- Media) William DeLuca, Brittany Williams, Angelo DiCaprio, Laurie Sprague – Schmit, Secretary Patricia Case-Keel.

**Attendance:** Bridgett Hernandez (Zoom Media),Jay Lesenger (Zoom Media)

**Also Present**: Travis Smigel (Zoom Media), Ted Hilscher (Town Attorney)

Laurie Sprague –Schmit will be voting in place of Bridgett Hernandez 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 December 13, 2022 and January 10, 2022. For applications requiring a 239 Review, the Greene County Planning Board’s next scheduled meeting will be held on November 16, 2022 and any application requiring a 239 Review must submit all required materials including full size drawings 12 days prior to their scheduled meetings. As we are approaching the winter season please note that the Planning Board’s meeting will be automatically canceled if 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.

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

**Subdivision SUB-16-2022** **Reynolds 20 Reynolds Road, Catskill.**

Ms. Golden gave a brief overview of the project to date and then open the Public Hearing.

Charles Holtz was representing the applicant at tonight’s meeting. Mr. Holtz requested for Planning Board member Laurie Sprague –Schmit be recused from the review of this project do to a personal conflict.

Ms. Golden stated that she and Ms Sprague- Schmit had discussed this matter with the town’s attorney regarding this matter, and was advised that it is not required for Ms. Sprague- Schmit to be recused.

Joe Calcavecchia approached the Board and stated the matter regarding the right of way to his parcel has been resolved between himself and the applicant.

Ms. Golden asked three times if there were any questions or comments regarding SUB-16-2022

There were no questions or comments.

Mr. DiCaprio made a motion to close the Public Hearing for SUB-16-2022

**Roll Call Vote**

Mr. DeLuca Aye

Mr. DiCaprio Aye

Mr. Federman Aye

Ms. Hernandez Abstained

Ms. Golden Aye

Brittany Williams Abstained

Jay Lesenger Abstained

Laurie Sprague- Schmit Aye (Voting in place of Bridgett Hernandez) Motion Approved.

Mr. Holtz stated he has contacted the County Highway Superintendent regarding the curb cut.

**OLD BUSINESS:**

**Subdivision SUB-16-2022** **Reynolds 20 Reynolds Road, Catskill.**

Ms. Golden asked if the applicant has obtained approval from the Green County Highway Department regarding a curb cut. Mr. Holtz answered he has contacted the County Highway Superintendednt regarding the curb cut.

Discussion ensued regarding the requirements for approval of a curb cut IAW Town Code 140-10 (D).

Mr. Hilscher stated the Board can make it a condition of approval for the applicant to obtain an approval for a curb cut in order to apply for any building permits.

Mr. DeLuca reviewed with the Board part 2 & 3 of the EAF. All of the answers were ‘No or Small impact’

Mr. Federman made motion to declare a Negative Declaration, seconded by Mr. DeLuca

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

Mr. Federman made a motion to approve the application and plans as final, seconded by Mr. DiCaprio

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

Ms. Golden stated the applicant must add the note on the plans indicating that the parcel being created as a flag lot cannot be subdivided.

Ms. Sprague – Schmit made a motion to adopt the resolution approving SUB-16-2022 as amended, seconded by Mr. Dicaprio.

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

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

Alix Martin from Kasselman Solar was representing the applicant at tonight’s meeting. The applicant is requesting a 20 kw ground mounted solar array for his residence located at 91 Falling waters. The applicant had submitted a revised EAF.

Ms. Golden stated as part of this special use permit review the applicant is required to obtain SHPO approval but this requirement can be addressed as a condition of approval. The site plan must be amended to indicate the Town’s zoning. Once the applicant amends the plans and resubmits them, the project will be sent to the Greene County Planning Board for 239 Review.

Ms. Sprague- Schmit made a motion to accept the plans as preliminary with the condition for the Town Zoning to a be indicated on the plans, seconded Mr. Federman

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

Mr. DeLuca made motion to schedule a Public Hearing to be held on January 10, 2022 at 6: 35 PM, seconded by Mr. DeLuca

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

**NEW BUSINESS:**

**Subdivision SUB-21-2022 Vita Foras Bogart Road, Pallenville**

Sarah Ashcroft is the Manager for Vita Foras LLC and is involved with residential development. Ms. Ashcroft was representing this subdivision at tonight’s meeting, along with Jason Brown who is a designer, and Stuart Messenger who is an engineer from Labella Engineering and Dave Everret from Whiteman Osterman &Hannah LLP. The applicant is proposing a major subdivision of a 140 acres parcel into 26 parcels with one of the parcels being dedicated for recreational use. The applicant has submitted an application EAF and survey which included a wetlands delineation to be submitted to DEC, test pits for waste water absorption, phase 1 environmental report and endangered species report.

Ms. Ashcroft stated the intent of this project is to develop the site while conserving the natural environment with minimal disturbance. The railway bed will be kept for recreational use, along with the pond on the land, and the waterfalls. These features will consist of approximately 30 acres of open space, and will be owned by the HOA. There will be a need to cross some of the wetlands, and will involve DEC as required.

Jason Brown stated the number of proposed dwelling sites, as well as the location of the sites, was determined by the topography. Parcels will range from 1 ½ acres to 14 acres. The construction of the dwelling will involve prefabricated panels to help eliminate disturbance from construction, and will be placed on slabs. The sizes of the homes will be developed for 4 member families, and will be moderate in size. The positive impacts this project will have on the Town will consist of jobs being brought in for the construction on the site, and the tax revenue which will be generated from 25 families moving into the Town of Palenville, without adding to great of an impact on the local infrastructure and institutions. 45:37

Stuart Messinger stated the number of units was determined by the testing preformed for the number of septic systems that could possibly be developed, due to the topography and wetlands on the site. The road will be private and will be built to the Towns private road standards. The site will also be accessing the existing Penny Lane, which will also be improved for the use as an emergency access, and will be gated or ~~some fashion of~~ equipped with controlled access to the satisfaction of the emergency responders. The site will consist of one shared drive and they are aware this will require a waiver form the Planning Board. The recreational lot will consist of 20% of the site. The project will involve a couple of wetland crossings. The DOH has requested 3 test wells. Because the site is in the Palenville’s Historic District, this will trigger a referral from SHPO, and the project will also require a SWPP.

Ms. Golden stated the plans indicate 2 shared driveways. She then asked if there will be a community room on the recreational parcel.

Mr. Brown answered “Yes” the community room will function as a basic recreational room.

Ms. Golden asked if there will be a parking lot for the recreational room and will it have water and sewer.

Mr. Brown answered “No” the intent is for the residents to either walk or ride their bikes, but it will have a well and septic.

Ms. Golden stated if the site will consist of any solar, the Town’s Code requires that any Solar generating more than 20kw requires a special use permit.

Mr. Hilscher stated the applicant must be clear on identifying the 2nd access for emergencies only.

Ms. Golden stated any private road over 800’ requires a waiver, and the Board is going to need some proof of legal access to Penny Lane. Also the applicant will need to submit 3 road maintenance agreements.

Mr. Federman stated he questions the number of vehicle trips on the EAF.

Mr. Messinger stated he will submit standard reference manual.

Mr. Federman asked if any vernal pools were identified on the site.

Mr. Messinger answered “No” but the site will require delineation from both agencies, so he will check on the existance of vernal pools again.

Ms. Golden stated the Board will request for Delaware Engineering to review the wetland delineation.

Mr. Federman asked what types of studies were conducted for rare or endangered species.

Mr. Messinger answered the only rare or endangered species was the potential for the Indiana Bat. He will submit the study conducted for the Board to review.

Mr. Federman asked if the area of disturbance includes the wetlands crossings.

Mr. Messinger answered the wetlands crossing are part of the road development and should include the area of disturbance.

Mr. Federman stated he has concerns that there could be species of concern on the site and which may require the applicant to revise the plans

Mr. Messinger stated there were no species of concern identified, and he will submit the report for the Board to review.

Mr. Federman asked if there was any limestone located on the site.

Mr. Messinger answered he did not see any limestone, but he will check into the matter.

Ms. Golden stated Delaware Engineering will be submitting the required amount for an escrow account to be established along with a third party agreement.

Ms. Sprague- Schmit asked if the applicant has contacted Central Hudson regarding electrical service to the site.

Ms. Ashcroft answered she is in the process of contacting Central Hudson.

Ms. Sprague-Schmit made a motion to declare this subdivision as a Type 1 action with a Coordinated Review and the Town of Catskill as Lead Agency, seconded by Mr. DeLuca

Ayes 6, Nays 0, Absent 0, Abstained 2 (Bridgett Hernandez, Jay Lessenger) Motion Carried.

Ms. Golden stated the Board usually prefers to hold a public hearing first then declare a negative declaration.

Mr. Everett stated he will work with the Town Attorney on this matter.

The Board discussed conducting a site visit.

Mr. Federman stated he would recommend the lighting on the site be dark sky compliant.

Zane Cheek owns property at 21 Penny Lane. Mr. Cheek stated there is a big pond, he’s not sure if it’s a vernal pond, and the rail road bed is part of the Town’s history. He would also like to know how the applicant will be maintaining Penny Lane, and wasn’t sure if the applicant was aware that some of the electrical poles are privately owned on Penny Lane.

Ms. Ashcroft answered the road will be maintained one hundred percent by the HOA.

Mr. Cheek stated there is a concern regarding water running onto his parcel from the project location.

Gary Carlson asked if the applicants will be hiring a maintenance crew.

Ms. Ashcroft answered “Yes”.

Mr. Federman asked if the rail road bed can be identified on the preliminary plans.

Kelson Robins resides at 15 Penny Lane and would like to know how he can obtain the information for the maintenance of Penny Lane.

Ms. Golden answered the information can be obtained through a FOIL request.

Ms. Golden thanked the applicant for attending tonight’s meeting.

**Other Business:**

Ms. Golden stated, as a heads up for Delaware Engineering, it has been indicated all of the proposed septic systems for the Nest Subdivision will be above ground. Also any of the Board members considering conducting a site visit to please contact the Planning Board Clerk. She would also like to remind the Board members to bring their vouchers to the next meeting, so that they can be signed and submitted since the December 13, 2022 meeting will be the last meeting of the year, and because it is the last meeting of the year the Board will be electing officers.

Mr. Hilscher updated the Planning Board on the rebuild of the Kaaterskill Motel. Mr. Hilscher stated it was determined that the Kaaterskill was built and opened years ago without a special use permit, and would be considered grandfather in without the need to come before the Board. 160-29allows grandfathered non-residential uses up to three years of inactivity before losing grandfathered status. 160-30 allows a non-conforming use to be expanded up to 50 %

Ms. Golden stated the Board members have received the proposed revised Town Codes and she would recommend the Board members look them over and then the Board can discuss them at a Work Shop meeting on November 17, 2022 at 6:30 PM

Mr. DeLuca made a motion to approve the Planning Board September 27, 2022 meeting minutes as amended, seconded by Mr. Federman

Ayes 5, Nays 0, Absent 0, Abstained 3 (Bridgett Hernandez, Jay Lessenger, Laurie Sprague- Schmit) Motion Carried.

Mr. DeLuca made a motion to approve the Planning Board October 11, 2022 meeting minutes as amended , seconded by Mr. Federman

Ayes 5, Nays 0, Absent 0, Abstained 3 (Bridgett Hernandez, Jay Lessenger, Laurie Sprague- Schmit) Motion Carried.

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

 Planning Board meeting ended at 8:20 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 12/13/2022