

Town of Catskill Planning Board

Planning Board Meeting

December 8, 2020 7:00 PM

Robert C Antonelli Senior Center

Present: Chairman-Teresa Golden, Vice Chairman- Larry Federman (Virtual-Zoom), Brenda VanDermark (Virtual – Zoom), William DeLuca (Virtual- Zoom), Bridgett Hernandez, Angelo DiCaprio. Secretary Patricia Case-Keel.

Attendance: All Present

Also Present: Kevin Schwenzfeier (Delaware Engineering).

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

Ms. Golden thanked everyone for attending tonight's meeting, and then stated as per the newly adopted Planning Board Governing rules the January 12, 2020¹ meeting will be held at 6:30 P.M, and since the Board will not be holding a second meeting this month due to the holidays, she wanted to wish everyone a safe and happy holiday season .She has spoken with the town Supervisor and it was agreed that the Planning Board should proceed with the Governing Rules effective the Planning Boards January 12, 2021 meeting unless notified otherwise, pending the Town Boards review of the Governing Rules .One of the changes adopted will affect future public hearings. Starting in 2021 the applicant will be responsible for all neighbor notifications, regardless of the type of application. Another change will effect when there is inclement weather, so in the future if the Town Hall is closed the Planning Board meetings will be canceled, and any scheduled public hearings will automatically be carried over to the next regularly scheduled Planning Board meeting. Also due to the COVID pandemic there is a possibility that the Planning Board meetings may have to be held completely virtual. If this is decided there will be a notification on the Towns website. She also wanted to mention that Brenda VanDermark was officially appointed by the Town Board as a full ~~pledged~~ Planning Board member (not as a alternate), with a term expiring in 2024.

Public Hearing Continues:

Subdivision SUB-15-2020 OJL Properties 74 Hamburg Road Extension, Catskill.

Al McDonald is representing the applicant at tonight's meeting.

Ms. Golden stated to refresh everyone's memory; this is a 2 lot minor subdivision of a 27.827 parcel with no change in use. A town designated engineer is not required nor is a County Planning Board Referral. This is a designated archaeological site but confirmation has been received from CHPO that no historic properties are being impacted by this project. The remediation site associated with this application is actually the Hudson River where the short-nosed sturgeon in on the endangered species list, but again, there should be no impact to the Hudson River with this application. The presence of the long-eared bat, however, will require tree cutting restrictions as a condition for any board approval. The Town of Athens has been notified of this subdivision.

A sketch conference was held on 10/13 and the board met with the applicant again on 10/27 at which time we classified this project as an unlisted action with an uncoordinated review and declared the Town of Catskill Planning Board as Lead Agency. At the November 10th meeting, it was decided that the pre-existing nature of this shared driveway as well as the input from our highway superintendent negated the need for any road maintenance agreement. Also, at the November 10th meeting, the application and plat were accepted as preliminary and a public hearing was scheduled for November 24th. At that meeting, several neighbors ~~who~~ expressed concerns about this property. Subsequent to that meeting, Ms. Golden sent an e-mail to the Town Supervisor summarizing the concerns heard from the neighbors and alerting him to the potential need for regulations for short term rental properties, especially for those with absentee owners. As we had problems with the Zoom platform at the November 24th meeting, the public hearing was held open to ensure that others who might have struggled with the zoom platform had the opportunity to raise any additional questions or concerns about this proposed subdivision.

During this public hearing, the board respectfully asked all speakers to give their name, address, and organization, if any. The Board also asked that remarks be limited to 3 minutes if possible and kept true to the purpose of this public hearing. Remarks should be addressed to the Planning Board as a body and not to any specific member. As appropriate, the board may ask the applicant to respond once everyone has spoken. Everyone was also asked to please speak up as some people are attending this meeting virtually and we all want to hear what you have to say. And of course, please present your remarks in a courteous manner, and observe accepted rules of decorum, dignity and good taste. Thank you!

Mr. McDonald gave a brief overview of the 2 lot minor subdivision with proposed lot #1 being 8.8 acres with the existing house and septic, and proposed lot # 2 will be 19.0 acres with an existing well. In regards to the concerns he heard from the Public Hearing which involved the noise coming from the house, and the traffic on Hamburg Rd. Extension, he has informed the applicant, and asked him to consider discontinuing the use of Hamburg Rd. Extension and instead use the driveway coming off of 385. Mr. Lipstein has indicated he does not want to agree to this request because when the house was purchased Hamburg Rd. Extension was already being used as the access for this dwelling. The only thing he can add to this matter is the applicant is looking to sell both parcels.

Ms. Golden asked if there are any questions or concerns regarding SUB-16-2020.

Lindsey William resides at 19 Hamburg Rd. Extension. She has question regarding the 12' section of land that is in her deed that is shared with adjacent land owners. She would like to know how the proposed 2nd parcel which would no longer be an adjacent land owner, be prohibited from using Hamburg Rd Extension.

Mr. McDonald answered he would suggest not granting the easement to lot#1. The plans will not show the easement extending to lot 2

Ms. Williams asked if there is anything physical to prevent the traffic coming from lot 2.

Mr. McDonald answered "No" it would be more of a legal barrier then a physical barrier.

Ms. Williams asked if there was ever to be construction on the 2nd what route would the trucks and equipment use.

Mr. McDonald answered they would have to come in through Hamburg Rd. Extension.

Ms. Williams stated she has concerns regarding heavy equipment using Hamburg Road Extension because her septic runs under the road. Also the road is crumbling in some places.

Mr. McDonald stated Hamburg Road is a Town Road, and he is not sure how that matter would be addressed.

Mr. Schwenzfeier stated The Board has already indicated in order for this project to be granted an approval lot 2 will not have access to Hamburg Extension Road, but in a minor subdivision the Board cannot force the applicant to install a physical barrier.

Ms. Williams asked if a dead end road sign could be put in place to help prevent traffic from individual looking for the Shakespeare on the Hudson.

Mr. Schwenzfeier stated the concerns regarding the road conditions and the placement of a sign is not in the purview of a subdivision review.

Ms. Golden stated on behalf of the Planning Board, she will also write a letter regarding the suggestion for a dead end road sign, and send it to the T.O.C. Highway Supervisor and the Town Board. Also she has already sent the Town Board a letter in regards to considering the development of regulations for short term rentals.

The Board discussed concerns regarding Ms. William septic line running under the road.

Mr. McDonald stated the T.O.C. has taken the responsibility of the road with the leach field under it through a prescribed use.

Ms. Golden asked if there was any further questions or comments regarding SUB-16-2020 from the public.

There were no questions or comments.

Ms. Golden asked if any of the Board members had any questions or comment regarding SUB-16-2020.

Mr. Federman made a motion to close the Public Hearing for SUB-16-2020, seconded by Ms. VanDermark

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Public Hearing closed at 7:35 P.M.

OLD BUSINESS:

Subdivision SUB-15-2020 OJL Properties 74 Hamburg Road Extension, Catskill.

Chairwoman Teresa Golden read aloud part 2 of the EAF, and the SEQRA Negative Declaration, dated December 8, 2020.

Mr. DeLuca made a motion to approve the SEQRA Negative Declaration, seconded by Mr. DiCaprio

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Mr. DiCaprio made a motion to accept the plat, revision dated November 20, 2020 as final, seconded by Mr. Federman

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Ms. Golden read aloud the resolution approving SUB-16-2020, OJL Properties LLC, 74 Hamburg Road Extension.

Discussion ensued for adding conditions for tree clearing to be performed between November 1 and March 31 in order to address the site being in range of the long eared bats, and access only from NYS Rt. 385 or existing right of way from Hamburg Road.

Mr. DiCaprio made a motion to approve the amended resolution dated December 8, 2020, seconded by Mr. Federman

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Mr. Schwenzfeier stated the conditions added to the resolution would have to be completed prior to the subdivision approval.

Mr. DiCaprio made a motion to rescind the motion for approval of the resolution with the conditions, seconded by Ms. VanDermark

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Mr. DeLuca made a motion to approve the resolution approving SUB-16-2020, dated December 8, 2020 without any condition, seconded by Mr. Federman

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

NEW BUSINESS:

Subdivision SUB-18-2020 Thomas Kelly Bogart Rd. Catskill

The applicant was not in attendance at tonight's meeting but was being represented by his surveyor Charles Holtz. The applicant is requesting the subdivision of a 11.65 acre parcel with 2 existing houses, into a 4.3 acre parcel and the remaining 7.32 acre parcel bringing each of the single family dwellings in compliance with the Towns regulation. The applicant has submitted an application, EAF and plans.

Ms. Golden asked why the application indicates the parcel is 10 acres but the drawing indicates 11.65.

Mr. Holtz answered the application is incorrect. The 10 acres was taken from the tax map.

Mr. Federman stated the plans do not show the setbacks.

Mr. Holtz answered the barn is 77.8 feet from the proposed boundary line and he will revise the plans to indicate the setback.

Ms. Golden stated the plans do not indicate the location for either of the dwellings wells or septic.

Mr. Holtz stated he will add the well and septic to the drawing.

Ms. Golden asked how the parcel behind the proposed two lots ,accesses a Town Road.

Mr. Holtz answered the parcel in the back is already in existence, He would have to check into the matter but he believes the back parcel has access to Game Farm Rd.

Ms. Golden stated the EAF has to be signed.

Mr. Federman made motion to declare lead agency on SUB-18-2020 as an unlisted uncoordinated review, seconded by Ms. Hernandez.

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Ms. Hernandez made a motion to accept the plat as preliminary, seconded by Mr. DiCaprio

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye
Ms. Hernandez	Aye
Ms. Golden	Aye Motion Approved.

Mr. Federman made motion to schedule a Public Hearing to be held on January 12, 2021 at 7:00 P.M. seconded by Ms. Hernandez

Roll Call Vote

Mr. DeLuca	Aye
Mr. DiCaprio	Aye
Ms. VanDermark	Aye
Mr. Federman	Aye

Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Ms. Golden stated since both dwelling have existing wells and septic, the plans do not have to show soil types but the applicant will have to sign the EAF and submit revised drawings indicating setbacks and location of the wells and septic .

Site Plan Review SPR-4-2020 Happy Clown Ice Cream & Bake Shop 1136 Rt. 23 Catskill.

Joann Stickles attended tonight's meeting through the Zoom media as well as her surveyor Charles Holtz. The applicant had submitted revised plans.

The Board reviewed the plans.

Ms. Golden stated she has concerns there will not be enough parking spaces, since the number of parking for the other buildings on the site are unknown.

Mrs. Stickles answered the other buildings are a hair studio with a single car at a time, and the other building will be used by a psychologist and will only have a single vehicle at a time on the site.

Ms. Golden stated the deck indicated on the plans seems to be in the side set back, and if that is the case the applicant will have to obtain a variance from the Zoning Board.

Mr. Holtz stated he will revise the plans to bring the deck into conformity for the setbacks.

Ms. Golden stated once the applicant submits the revised plans the application can be sent to the County for a 239 Review. Also the Board will be informing the Village of this project as well.

Mr. DeLuca made a motion to classify SPR-4-2020 as an unlisted action, and uncoordinated review, and the Town of Catskill Planning Board as lead agency, seconded by Ms. Hernandez

Roll Call Vote,

Mr. DeLuca Aye
Mr. DiCaprio Aye
Ms. VanDermark Aye
Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Ms. VanDermark made a motion to accept drawings as preliminary with the condition for new plans to be submitted indicating the deck is in conformity with the setbacks, Seconded by Ms. Hernandez

Roll Call Vote,

Mr. DeLuca Aye
Mr. DiCaprio Aye
Ms. VanDermark Aye
Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Mr. Federman made a motion to schedule a Public Hearing for SPR-4-2020 to be held on January 26, 2021 at 6:35 P.M., seconded by Ms. Hernandez

Roll Call Vote,

Mr. DeLuca Aye
Mr. DiCaprio Aye
Ms. VanDermark Aye

Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Ms. Golden thanked the applicant.

Roll Call Vote,

Mr. DeLuca Aye
Mr. DiCaprio Aye
Ms. VanDermark Aye
Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Meeting minutes Of November 24, 2020 were tabled.

OTHER BUSINESS:

Mr. Deluca made a motion to approve the meeting minutes of November 10, 2020 as amended, seconded by Mr. DiCaprio

Roll Call Vote,

Mr. DeLuca Aye
Mr. DiCaprio Aye
Ms. VanDermark Aye
Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Election of officers: The Board voted 6-0 in favor of Teresa Golden as Chairwoman of the Planning Board for the year of 2021.

The Board voted 5 in favor of Larry Federman and 1 in favor for Bridget Hernandez for Vice Chairperson of the Planning Board for the year of 2021.

Roll Call Vote

Mr. DeLuca Aye
Mr. DiCaprio Absent
Ms. VanDermark Aye
Mr. Federman Aye
Ms. Hernandez Aye
Ms. Golden Aye Motion Approved.

Ms. Golden stated Mr. Brooks will be coordinating with Mr. Schwenzfeier for a final inspection of the private road for Black Stone Builders.

Mr. DeLuca made a motion to adjourn, seconded by Mr. Federman

Planning Board meeting ended at 8:47 PM

Respectfully Submitted,

Patricia Case-Keel
Planning Board Secretary

Minutes approved as amended 1/12/21

