

## **Town of Catskill Planning Board**

Planning Board Meeting

July 28, 2020 7:00 PM

Robert C Antonelli Senior Center

**Present:** Chairman-Tom Decker, Vice Chairman-Teresa Golden, Larry Federman ( Virtual-Zoom), Joe Izzo, , Secretary Patricia Case-Keel.

**Absent:** Reid Mower, Bridgett Hernandez.

**Also Present:** Elliot Fishman (Town of Catskill C.E.O.).

Chairman Tom Decker opened the meeting with the Pledge of Allegiance to the flag.

Mr. Decker stated the meeting minutes of July 14 will be tabled.

### **NEW BUSINESS:**

### **OPENING OF PUBLIC HEARING 7:00 P.M.**

#### **Special Use Permit SUP-1-2020 Aeon Holdings 1187 NY Rt. 23A, Catskill**

Mr. Decker stated the applicant has submitted revised plans, and a decommissioning plan.

Chairman Tom Decker opened the Public Hearing for Special Use Permit SUP-1-2020 Aeon Holding 1187 NY Rt. 23A. The Notice of Public Hearing was published in the Daily Mail on July 22, 2020 and July 23, 2020.

### **NOTICE OF PUBLIC HEARING**

The Town of Catskill Planning Board opened a Public Hearing on application Special Use Permit SUP-1-2020 On July 28, 2020 pursuant to Section 160-14 of the Town of Catskill Zoning Code to allow Installation of roof mounted solar array on lands owned by Aeon Holdings located at 1187 NY Rt.23A Tax Map #185.02-1-3. The Public Hearing will be opened on the 28<sup>th</sup> day of July , 2020 at 7:00 PM , at the Robert C Antonelli Senior Center located at 15 Academy Street, Catskill, NY.to allow public comments on the application. 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 Thomas Decker Chairman, Planning Board, Town of Catskill.

Adam Katzman was representing the applicant at tonight meeting and was present via Zoom media.

The applicant had submitted the green cards from the certified mailing.

Mr. Decker asked if there were any questions or comments regarding SUP-1-2020.

Ms. Golden made a motion to close the Public Hearing for SUP-1-2020, seconded by Mr. Federman

### **Roll Call Vote :**

**Mr. Mower      Absent**

**Mr. Holtz      Abstained**

**Mr. Decker      Aye**

**Mr. Federman      Aye**

**Ms. Hernandez Absent**

**Ms. Golden      Aye**

**Mr. Izzo      Aye      Motion Approved**

**Sketch Conference- Happy Clown Ice Cream & Bakery**

There was no one present representing Happy Clown sketch plan, at tonight's meeting. The applicant had submitted a sketch plan.

The Board reviewed the sketch plan.

Mr. Decker stated the Board will send the applicant a letter indicating what is required for a site plan review.

Mr. Federman stated since the project is on the boundary of the Town and Village, out of courtesy the Board may want to consider sending the application to the Village so they are aware of the proposed project.

Mr. Decker stated this project will be tabled.

**Subdivision SUB-3-2020 Hidden River LLC, 401 Moss Hill Rd. Catskill.**

Charles Holtz recused himself from the review of SUB-1-2020.

Charles Holtz is representing the applicant at tonight's meeting. The applicant had originally requested a four lot subdivision, but has since revised the plans with a 2 lot subdivision. The proposed project will create a 9.48 acre lot and a 6.50 from a 16 acre parcel with the parcels split by Central Hudson lands. The project will also involve the development of a private street, a 3,800' cul-de-sac, and a T-turn in place of a cul-de-sac. The applicant has submitted an application, short EAF, and a plat. The applicant has also submitted 4 waiver requests:

1. 140-18.c5 - Waiver for the Cul-de-sac having a length greater than 800 feet.
2. 140-18.c10 - Waiver for the minimum 50 foot requirement on a public or private street. Existing 30' wide right of way in place for access to multiple lots including the proposed subdivision.
3. 140-18.j1 - Waiver for the requirement of the subdivision street to form a continuation of the existing public road.
4. 140-18.k3 - Waiver for the homeowner's association being created

The Board reviewed the plans.

Ms. Golden asked if the applicant intends on widening the road.

Mr. Holtz answered "Yes". The road will be widened to 18'.

Ms. Golden asked if the road will continue.

Mr. Holtz answered "No". The road will stop at lot B.

Ms. Golden stated it appear as though the road will be in the wetlands.

Mr. Holtz answered the road is in the area designated as a flood zone, but the base elevation is above the flood zone.

Mr. Decker stated the note on the plans indicating the road will not be dedicated to the Town seems to meet the subdivision requirements . The note indicating the road will be upgraded to satisfy the Town Highway

Superintendent, should indicate the Towns Code 138(A), with the 30' waiver. The Town Highway Superintendent will only inspect the entrance off of Mossy Hill Rd. The Board has received a email from the Town Highway Superintendent ~~an email~~ indicating the access onto the private road from Mossy Hill Rd. is inspected and was acceptable for the SUB-2-2020, and the board can accept the approval for this proposed subdivision as well. It will be the Planning Board responsibility to make sure the rest of the private road meets the Town Code.. The applicant is also requesting a waiver for~~m~~ the HOA and in place implement an already existing RMA which has already been approved for SUB-2-2020.

The applicant submitted a signed copy of the RMA.

Ms. Golden asked if the Board will require an engineer to validate the construction of the road IAW Town Code 138.

Mr. Decker answered the Board will consider the matter. The applicant has satisfied the requirement for 140-18(K), The only concern remaining is in regards to the homeowner posting a bond. This is a matter for the Board to consider as this project moves forward.

Ms. Golden stated she has concerns regarding the length of the proposed private street.

Discussion ensued.

Mr. Decker asked since the parcels are located near a stream, should the Board consider the septic and water, have an engineer's approval.

Mr. Fishman stated he would recommend a letter from an engineer indicating the results from a perc test.

Mr. Decker stated the Board will accept a letter from an engineer.

Ms. Golden asked what will the process entail for ensuring the private street will meet 138 (A).

Mr. Decker answered the Board could hold off on signing the subdivision plat. A condition on a subdivision will only last 180 days. The Town Code states a private road can be approved by the Town Highway Superintendent or the Planning Board can hire an engineer.

Mr. Holtz asked if the condition could be extended.

Mr. Decker answered "Yes". With a joint agreement, up to two times. The Board can approve with a condition and then wait to sign the plat, or the Board can request a bond.

Mr. Izzo asked if the applicant would be willing to open an escrow account.

Mr. Holtz answered "Yes" if the applicant has approval for the subdivision.

The Board reviewed the waivers for 140-18.c10, 140-18.c5, 140-18.j1, and 140-18.k3.

Mr. Decker stated the project is an unlisted action, and an uncoordinated review.

Mr. Izzo made a motion to declare the Town of Catskill Planning Board as Lead Agency for SUB-3-2020, seconded by Mr. Federman

**Roll Call Vote:**

**Mr. Mower     Absent**

**Mr. Holtz        Abstained**  
**Mr. Decker     Aye**  
**Mr. Federman   Aye**  
**Ms. Hernandez Absent**  
**Ms. Golden     Aye**  
**Mr. Izzo        Aye   Motion Approved**

Mr. Decker stated at this time the Board does not have enough information to move forward with this project. The Board will table the project for a project meeting. The time and date will be scheduled.

**Lot Line Adjustment SUB-7-2020 CJ Properties LLC, Cairo Junction Rd. Catskill.**

Charles Holtz recused himself from the review of SUB-1-2020.

Mr. Holtz was representing the applicant at tonight's meeting. The applicant is requesting a lot line adjustment in order to convey 2 acres from an 84 acre parcel and adding it to a 1.32 acre parcel, therefore creating a 3.2 acre parcel. The applicant has submitted an application along with a plat.

Mr. Holtz stated the reason for requesting this lot line adjustment is to move the boundary lines away from an existing shed and creating a buffer between the parcels.

Mr. Decker stated this project meets the criteria for improving ability for meeting setback, or adding open space.

Mr. Izzo made a motion to approve SUB-7-2020, seconded by Mr. Decker

**Roll Call Vote:**

**Mr. Mower     Absent**  
**Mr. Holtz       Abstained**  
**Mr. Decker     Aye**  
**Mr. Federman   Aye**  
**Ms. Hernandez Absent**  
**Ms. Golden     Aye**  
**Mr. Izzo        Aye   Motion Approved**

**Subdivision SUB-8-2020 CJ Properties LLC, Cairo Junction Rd. Catskill.**

Charles Holtz recused himself from the review of SUB-1-2020.

Mr. Holtz was representing the applicant at tonight's meeting. The applicant is requesting a subdivision in order to subdivide an 84 acre parcel into 4 parcels. The proposed Lot # 1 will be 4.6 acres , Lot #2 will be 15 acres, lot #3 will be 21 acres, and the remaining lands will be 41 acres .The project will require the construction of a private road granting access for lots 2,3,and 4. The applicant has submitted an application, short EAF, plans ,and an RMA and waivers for Town Code 140-18 c,5, 140-18,j 140-k,3.

The Board reviewed the plans.

Mr. Izzo stated the applicant will need to request a waiver, since the cul-de-sac exceeds 800'.

Mr. Fishman asked if there is a concerted effort to prevent the proposed road from extending to the neighbors to the left of the proposed subdivision.

Mr. Holtz answered "No".

Mr. Decker asked if any consideration has been given to the size of the proposed septic system for each of the proposed parcels.

Mr. Holtz answered the block on the drawing represent 300 gallons per minute for the septic.

Mr. Decker stated the plans must indicate 300 gallons per minute.

Ms. Golden asked if there are any concerns regarding the grading for the road.

Mr. Holtz answered the area chosen for the proposed road is relatively flat and should conform to the Towns private road requirements.

Mr. Decker stated the Board will send a copy of the RMA to the Towns attorney for his review. The applicant will be required to contact the County for the required curb cut onto Cairo Junction Rd. The Board will also have to discuss if an engineer will be required for the proposed road. The road appears to meet the requirements for Town Code 138 (A) , but the Board will have to determine how the road development will be approved while being constructed.

Ms. Golden made a motion to declare Lead Agency on this project as an unlisted, uncoordinated review, seconded by Mr. Federman

**Roll Call Vote:**

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Abstained</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Aye</b>
<b>Mr. Izzo</b>	<b>Aye Motion Approved</b>

Mr. Decker stated at this time the plans must be amended to show the size of the septic, a note form the County for the curb cut, and the RMA must be reviewed by the Town attorney.

Mr. Federman made a motion to accept the plat as a preliminary , seconded by Mr. Izzo

**Roll Call Vote:**

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Abstained</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Aye</b>
<b>Mr. Izzo</b>	<b>Aye Motion Approved</b>

Board discussed holding a public hearing for the waiver request.

Mr. Federman stated the Board will need to consider conditioning the approval for this project regarding the time of year tree cutting can occur due to the mapper indicating brown bats on the site, and they are an endangered species.

Mr. Decker stated the Board will schedule a Public Hearing for SUB-8-2020 to be held on August 25, 2020 .

#### **OLD BUSINESS:**

##### **Special Use Permit SUP-1-2020 Aeon Holdings 1187 NY Rt. 23A, Catskill.**

Mr. Decker stated in keeping with the Board decision back in January regarding tabling projects at tonight's meeting, or moving forward with the project at tonight's meeting.

Mr. Federman made a motion to move forward with SUP-1-2020, seconded by Ms. Golden

#### **Roll Call Vote:**

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Abstained</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Aye</b>
<b>Mr. Izzo</b>	<b>Aye Motion Approved</b>

Mr. Fishman asked if the Planning Board has determined if the applicant will be required to submit funding for the decommissioning plan.

Mr. Izzo stated the Planning Board should send a memo to the Town Board indicating the Planning Board will not be requesting bond from the applicant, but if the Town Board decides a bond is required, it will be the Town Boards prerogative.

Mr. Decker read aloud the resolution Dated July 28, 2020 approving SUP-1-2020.

Ms. Golden made a motion adopting the resolution approving SUP-1-2020, seconded by Mr. Federman

#### **Roll Call vote**

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Abstained</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Aye</b>
<b>Mr. Izzo</b>	<b>Aye Motion Approved</b>

##### **Lot Line Adjustment SUB-6-2020 Reiden O'Flynn 107 Old Kaaterskill Rd. Palenville .**

Mr. Decker stated this application had been tabled from the Planning Boards July 14, 2020 meeting. The Board has since received revised plans with the required name added to the plans, and the note satisfying Town Code 140-16. The Board has also changed the reason for the lot line adjustment request is to approve ability for the parcel to meet the required set backs.

Mr. Decker asked if there are any questions or concerns regarding SUB-6-2020.

Mr. Decker made a motion to approve SUB-6-2020, seconded by Ms. Golden.

**Roll Call vote**

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Aye</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Aye</b>
<b>Mr. Izzo</b>	<b>Aye Motion Approved</b>

**Continuation of Public Hearing:**

**Subdivision SUB-2-2020 Brook Stevens (Black Stone Builders), 553 Mossy Hill Rd. Catskill**

Charles Holtz recused himself from the review of SUB-1-2020.

Mr. Decker stated the Board has received water and sewer layouts for both lots, from an engineer. The project will be going forward with a proposed private street. The proposed private street will be 1,160' with a T turn. The drawing calls out *the existing gravel road will be upgraded to the requirements of the Town Highway Superintendent*. The plans call out *the street will not be dedicated to the Town of Catskill*. The applicant has submitted an RMA and the Town attorney has reviewed it and has approved the RMA. The open issues for this project are in regards to the requirements of 138A, and the waiver requests for Town Codes 140-18 c,5, 140-18,j 140-k,3. The Board has already reviewed the Short EAF at the Planning Boards June 9, 2020 and determined this project to be an unlisted action , and accepted the plat as preliminary.

Mr. Decker Opened the recessed Public Hearing for SUB-2-2020.

Mr. Izzo asked if the Planning Board has received any comments since the opening of the Public Hearing for SUB-2-2020.

Mr. Decker answered "No".

Mr. Izzo made a motion to close the Public Hearing for SUB-2-2020, seconded by Mr. Federman

<b>Mr. Mower</b>	<b>Absent</b>
<b>Mr. Holtz</b>	<b>Abstained</b>
<b>Mr. Decker</b>	<b>Aye</b>
<b>Mr. Federman</b>	<b>Aye</b>
<b>Ms. Hernandez</b>	<b>Absent</b>
<b>Ms. Golden</b>	<b>Nay</b>
<b>Mr. Izzo</b>	<b>Aye Motion Denied</b>

Discussion ensued.

Mr. Brooks stated he would like a copy of the Town of Catskills Planning Board By Laws.

Mr. Decker stated the Board will reconvene this Public Hearing for the Planning Board August 11, 2020 meeting.

**Planning Board meeting ended at 9:25 PM**

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary



