

## **Town of Catskill Planning Board**

Planning Board Meeting

March 23, 2021 6:30 PM

Robert C Antonelli Senior Center

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman (Virtually- Zoom Media ), Brenda VanDermark , William DeLuca, Bridgett Hernandez, Heather Bagshaw, Secretary Patricia Case-Keel.

**Absent :** Angelo DiCaprio,

**Also Present:** Ted Hilscher (Town of Catskill attorney), Kevin Schwenzfeier ( Delaware Engineering via Zoom media ).

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

Ms. Golden stated during this public hearing, the Board respectfully asks that all 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. All 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

### **OPENING OF PUBLIC HEARING: 6:35 P.M.**

#### **Special Use Permit SUP-3-2021 Doreen Stewart 320 Wolven Road , Catskill.**

Ms. Stewart was in attendance at tonight's meeting through the Zoom –Media.

Ms. Golden gave a brief overview for this project and opened the Public Hearing for Special Use Permit SUP-3-2021. The Notice of Public Hearing was published in the Daily Mail on March 18, 2021 and March 19, 2021.

Ms. Stewart stated she has requested this Special Use Permit in order to convert her basement into an apartment.

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

Regina Cooper resides across the street from 320 Wolven Road , Mrs. Cooper stated she has concerns with the applicant's request because the downstairs is already been rented out and in the past she has had conflict with tenants, Involving harassment and noise and also some of the incidents involved law enforcement.

Ms. Golden stated the Town of Catskill has a noise ordinance.

Ms. Stewart stated the tenet in house are her family .There has been conflict between herself and Mrs. Cooper and she is not sure why this has been happening and why Mrs. Copper has been making theses allegation. There is about 800 feet between the two homes and there should not be too much disturbance.

Mrs. Golden asked if there will be rules for any potential tenants.

Ms. Stewart answered "Yes".

Ms. Golden stated the Board had received a phone call from a Mr. Bossard who indicated he had no concerns with this request and correspondence from Dorothy Spielli Costaldo who also has no concerns regarding this request. There was another comment from a neighbor who was not in favor, but did not give good reason for the concern.

Lenora Freese resides at 1376 Bogart Rd. and is an adjoining neighbor to the applicant. She has concerns because she believes the applicant has been renting her property out illegally and would like to know how this will be going forward.

Ms. Golden answered that applicant is before the Board in order to comply with the Town's regulation. The Planning Board reviews special use permit from a land use point of view addressing adequate parking and lighting and appropriate ingress and egress and adequate access by emergency services.

Ms. Golden asked if there were any additional comments or questions regarding SUP-3-2021.

There were no questions or comments

Mr. DeLuca made a motion to close the Public Hearing for SUP-3-2021, seconded by Mr. Federman

#### **Roll Call Vote**

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

Public Hearing Closed 6:52 P.M.

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#### **NEW BUSINESS:**

##### **Special Use Permit SUP-5-2021 Tomas Banik, Palalce Raod. Catskill**

Mr. Banik was present at tonight's meeting along with Charles Holtz, his surveyor. The applicant is requesting a special use permit in order to install a gravel drive and two cement pads which will have two shipping containers for the use as a freezer and as a pet crematorium. The applicant has submitted an application, EAF short form, and a site plan as well as a D.E.C. Remediation Detail report.

Ms. Golden asked how the remains will be brought onto the site.

Mr. Banik answered the project will be self-contained .He will be bringing the remains in and delivering the remains back , if it's a group cremation then the remains will be disposed of according to D.E.C. guidelines and waste management . He will not be burying any remains on the site.

Ms. Golden asked if the process will involve disposing of road kill.

Mr. Banik answered it is a possibility; it will depend on D.E.C. guidelines.

Ms. Bagshaw asked if the process will involve veterinarian offices and private owners.

Mr. Banik answered" Yes".

Ms. Golden stated since the applicant will be leasing the land, the Board will need written permission from the owner of the parcel indicating the special use permit will be for a crematorium.

Mr. Federman asked if the applicant has the required certification from DEC and are the units approved by N.Y. State.

Mr. Banik answered he is in the process of obtaining his DEC Approvals and completing a stack test.

Ms. Golden stated any approval for this project will be conditioned for involved agencies approval and licensing. Ms. Golden asked if there will be any noise or odors emitted from the proposed use.

Mr. Banik answered the unit is state of the art and environmentally friendly.

Mr. DeLuca asked how the two containers will be utilized.

Mr. Banik answered initially there will only be a need for a single container, and then if refrigeration is required he would add the second unit for that purpose.

Mr. DeLuca asked if there will be any space for an office.

Mr. Banik answered at this time he does not believe it is necessary, but if business were to pick up, he would consider adding an office.

Ms. Golden asked if there will be any parking spaces.

Mr. Holtz answered there will only be a turnaround for the delivery truck.

Ms. Golden stated since the parking falls under two zones, in order to conform to the Town's Code the parking area should be shown on the site plan in the RA Zone.

Mr. Federman asked if the applicant will be receiving training from the company who manufactures the incineration unit.

Mr. Banik answered he is an authorized dealer and distributor for the units and has had training with Incinerate, and he will also be receiving training from N.Y.S.D.E.C.

Mr. Hilscher asked if the container will require a building permit.

Mr. Holtz answered he does not believe the containers require a building permit. The shipping container will be sitting on gravel.

Ms. Golden stated since the EAF Mapper indicates the site is in an area of archeological importance the Board will require a response from SHPO.

Ms. Hernandez asked if the site will be visible.

Mr. Holtz answered "No".

Ms. Golden stated the site plan should indicate the area of the site that will be leased to the applicant. Because of the brown bat being a threaten species there will be required restriction for tree cutting.

Mr. Banik stated the site is already cleared.

Board discussed topography lines.

Ms. Golden stated since the site is relatively flat the site plan will not require topography lines.

Ms. Golden asked if emergency vehicles travel on the driveway to the site .

Mr. Holtz answered ""Yes".

Mr. Banik stated the equipment is self-contained.

Discussion e ensued regarding required record keeping for D.E.C.

Ms. Bagshaw stated the requirement for maintaining records for this process is in D.E.C. purview.

Ms. Bagshaw made a motion to classify this project as an unlisted action and uncoordinated review and the Town of Catskill Planning Board as the lead agency, seconded by Ms. VanDermark

#### **Roll Call Vote**

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

Ms. Bagshaw made a motion to schedule a Public Hearing to be held on April 27, 2021 at 6:35 P.M., seconded by Ms. VanDermark

#### **Roll Call Vote**

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

Ms. Bagshaw made a motion to accept the plans as preliminary seconded by Ms. VanDermark

#### **Roll Call Vote**

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

Mr. Federman asked if the units are required to have EPA approval to operate in other states.

Mr. Banik answered "Yes".

Mr. Holtz stated any E.P.A. Requirements will be covered by D.E.C.

Ms. Golden stated the outstanding items for this project to move forward will be NYS Licensing,. SHPO approval, updated plans, and approval from Property owner (Apple Reality) . After the Board accepts the revised plans the application will have to be sent for a 239 Review.

**OLD BUSINESS:**

**Special Use Permit SUP-3-2021 Doreen Stewart 320 Wolven Road , Catskill.**

The Board reviewed the requirements for a Special Use Permit and the classifications for SEQR review.

Mr. Hilscher read aloud part 2 of the EAF.

Ms. Hernandez made a motion to declare a negative declaration on SUP-3-2021, seconded by Ms. Bagshaw

**Roll Call Vote**

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

Mr. DeLuca made a motion to accept the drawing and application as final, seconded by Ms. Bagshaw

**Roll Call Vote**

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

Ms. Hernandez asked if there is anything the Board can do regarding the change to the character of the community this Special Use Permit may be causing, based on neighbors' concerns.

Discussion ensued

Mr. Hilscher stated a special use permit is an approved used for this specific zone as long as all of the requirements are met.

Mr. Federman stated the resolution will have to be amended to indicate the change to a type 2 action.

Mr. DeLuca made a motion to approve SUP-3-2021, seconded by Mr. Federman

**Roll Call Vote**

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

#### **Special Use Permit SUP-1-2021 Ainsley Morris 134 Park Lane Leeds**

Mr. Morris was present for this night's meeting. This application was first before the Board on January 26, 2021 for a sketch conference and on March 9, 2021 was before the planning Board with revised plans and at that time was asked to revise the EAF. The applicant is requesting the conversion of a single family dwelling to a two family dwelling.

The Board reviewed the plans.

Ms. Bagshaw made a motion to classify this project as an unlisted action and uncoordinated review and the Town of Catskill Planning Board as the lead agency, seconded by Mr. Federman

#### **Roll Call Vote**

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

Mr. DeLuca made a motion to accept the plans as preliminary seconded by Ms. Bagshaw

#### **Roll Call Vote**

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

Ms. VanDermark made a motion to schedule a Public Hearing to be held on April 27, 2021 at 6:45 P.M., seconded by Mr. DeLuca

#### **Roll Call Vote**

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

Ms. Golden stated the Board will be sending this application to the Greene County Planning Board for a 239 Review .

**Site Plan Review SPR-1-2021 John Iannace 5265 Rt. 32 Catskill .**

Mr. Iannace is requesting this Site Plan Review in order to develop a motorcycle repair shop. The applicant had been before the Board on January 26, 2021 and the Board had declared lead agency, and the project is classified as an unlisted, uncoordinated review. The applicant returned on March 9, 2021 with revised plans and EAF. The application was sent to the County for a 239 Review and the County has submitted their recommendations to the T.O.C Planning Board. The applicant was in attendance through the Zoom media

The Board reviewed the plans.

The applicant addressed conditions mentioned at the March 9, 2021 Planning Board meeting. The operation will have steel spill control pallets for containment of oil, and the specs sheets for the pallets were submitted to the Board. Hours of operation will be 10:00 A.M. to 6:00 P.M. and concerns regarding noise will be addressed at the Public Hearing if the matter comes up.

The Board revised the Comments from the Greene Counties 239 Review.

Mr. Federman stated the spec sheet for the proposed lighting does not indicate dark sky compliance.

Mr. DeLuca made a motion to accept the plans as preliminary, seconded by Mr. Federman

**Roll Call Vote**

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

Ms. Bagshaw made a motion to schedule a Public Hearing to be held on April 27, 2021 at 6:55 P.M., seconded by Mr. Federman

**Roll Call Vote**

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

**Subdivision SUB-3-2020 Hidden River 4021 Mossy Hill Road Catskill**

Mr. Cohen was present along with his attorney Lenny Walter and the surveyor Charles Holtz . The Planning Board has been reviewing this application since June 9, 2020 which originally was for a 4 lot subdivision but

then was revised to a 2 lot subdivision and resubmitted for the Boards August 25, 2020. The application eventually had been put on hold due to applicant not being able to satisfy the Town's Codes for an acceptable private road or driveway.

Mr. Walter stated the reason for requesting this conference is to address the matter for developing access for the proposed subdivision. The second proposed parcel lot B could have access off of an easement private road leading through to the back of the parcel along the creek, but the road does not meet the Town's private road specs . The other option would be to access from Mossy Hill Road but this is interrupted by lands owned by Central Hudson. He has been in contact with Central Hudson and is hopeful that Central Hudson will change the right of way to non-revocable.

Ms. Golden stated the easement is serving a number of lots, so it cannot be considered a shared driveway and is not traversable for emergency vehicles, and does not meet the Town's Code 138 & 138-A . A Portion of the road has been improved, but the applicant would have to improve the road the rest of the way to his parcel for emergency vehicles can have access to the 2<sup>nd</sup> parcel. Town Code requires a 50' wide right of way, cul-de-sac should not be any longer the 800', and all private roads require an HOA. The Board could consider waivers for some of these inadequacies but a 3,400 cul-de-sacs is excessive. The Board could ask the Town's Engineer to do a site visit and advised the applicant on what would be involved in making the improvement to the road or the applicant can obtain their own engineer. However in order for the board to determine if the subdivision could be approved would require plans with the road designs, and it would have to be voted on by the Board. If the applicant can get access to lot B from Mossy Hill road with the insurance that the Central Hudson right of way cannot be revoked in 30 days, is an option but still has an issue with crossing the wetlands.

Mr. Walter stated he would like to make it clear that what's on the table is if even though Central Hudson will not have the right to revoke it, they will have the right to move it, just at their expense .He is still in the process of working with Central Hudson.

#### **Special Use Permit SUP-4-2021 Dalina Gjergji 4 Forest Hill Rd. Catskill**

Dalina Gjergji was not present at this night's meeting but was being represented by her brother Anthony Gjergji . The applicant is requesting the change of use from a single family dwelling to a two family dwelling. The application had been before the Board on March 9, 2021 and has since submitted copies of deed for his parcel as well as the parcel used for accessing his property.

Ms. Golden stated the applicant is missing the deed liber 665 page 176, which will indicate the type of easement there is to the parcel. Ms. Golden asked how long has Catskill Drive been in existence .

Mr. Gjergji answered the road was preexisting to his business and that has been twenty years.

Ms. Golden asked since Catskill Drive predates 2009 when the Town adopted the current private road requirements does that mean it does not have to meet the Towns private road requirement and does not have to have an RMA.

Mr. Hilscher answered "Correct"

Ms. Golden stated the north arrow is still missing on the plans, The second page of the Special use permit has been answered with everything being "No".

Mr. Hilscher stated in accordance with 160-19 B of the Towns Code It is indicated that the site plan checklist is determined necessary by the Planning Board, so it may be possible that when someone is converting a single family dwelling to a two family dwelling all the items on the check list are not necessary .



Mr. Hilscher reviewed the checklist with the Board. Mr. Hilscher stated the questions most applicable for a conversion from a single family to a two family would be questions #1,2,3,8,14,18,22,23 and some of the times question # 9 .

Ms. Golden stated the applicant will have to amend the questionnaire for the special use permit and add the arrow to the plans. And submit a copy of the libre 665 for the easement. If the applicant can submit the material in time the board will reschedule this application for the April 13, 2021 meeting.

Ms. Bagshaw made a motion to classify this project as an unlisted action and uncoordinated review and the Town of Catskill Planning Board as the lead agency, seconded by Ms. VanDermark

#### **Roll Call Vote**

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

#### **OTHER BUSINESS:**

##### **Subdivision SUB-3-2021 Ohayon Catskill Holdings 1583 High Falls Road . Catskill .**

Mr. Schwenzfeier gave the Board an update in regards to the inspection conducted on the existing private road for the Ohayon property and the memo he sent to the applicant with some of the requirements for the proposed private road improvements.

Mr. Schwenzfeier state the board will have to decide if it will be required to have the road brought to Town road specs from High Falls Road to the County Line or of the road up to Mr. Divittos driveway can be improved to the Saugerties road specs.

Mr. Hilscher stated he has been working on a report which he will be sharing with the Board, in regards to what the law says regarding access based on fire code , Town law, N.Y. State law , and common law which is based on actual court decisions.

Ms. Golden stated she would recommend that the Board member review Mr. Hilschers memorandum and take a look at some of the current application with issues regarding private roads and access.

Mr. DeLuca made amotion to approve the meting minutes of Febraury 23 , 2021 as amended , seconded by Ms. VanDermark

#### **Roll Call Vote**

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

Meeting minutes for March 9, 2021 were tabled.

M. DiCaprio made a motion to adjourn, seconded by Mr. DeLuca

**Planning Board meeting ended at 9:13 PM**

Respectfully Submitted,

Patricia Case-Keel  
Planning Board Secretary

Approved as Amended 4/27/2021



