# Town of Catskill Planning Board

Planning Board Meeting

December 19, 2023 6:30 PM

Town Hall 439 Main St. Catskill

**Present:** Chairwoman-Teresa Golden, Vice Chairman- Larry Federman, Bridgett Hernandez, Laurie Sprague –Schmidt, Jay Lesenger, Secretary-Patricia Case-Keel.

Absent: William DeLuca, Angelo DiCaprio.

**Also Present**: Ted Hilscher (Town Attorney), Adam Yagelski (Town Engineer).

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

Ms. Golden stated the first planning board meeting for 2024 will be held on January 23, 2023. For those applications that require referral to the Greene County Planning Board, their next meetings are scheduled for December 20, 2023, and January 17,2024. Please bear in mind as we are in the winter season, that the Planning Board’s meeting will be automatically canceled if the Town Hall is closed due to inclement weather

As is our practice, I’d like to remind everyone that during our public meetings (including public hearings), the board respectfully asks that all public comment speakers give their name, address, and organization (if any) and limit remarks to 3 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.

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

**Special Use Permit SUP-6-2023 Volosk 106 Volosk Road,Catskill.**

Ms. Golden recused herself from the review of SUP-6-2023.

Mr. Federman opened the Public Hearing for SUP-6-2023, and asked the Planning Board clerk to read the Public Hearing Notice. The Notice of Public Hearing was published in the Daily Mail on December 13, 2023 and December 14, 2023

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 **NOTICE OF PUBLIC HEARING**

The Town of Catskill Planning Board will hold a Public Hearing on application

Special Use Permit SUP-6-2023 pursuant to Section 160-10 of the Town of Catskill Zoning Code to allow the Construction of a four family dwelling on lands owned by Sholem Strulovitch at 106 Volosk Road, Catskill NY Tax Map #154.00-5-29 The Public Hearing will be held on the 19th day of December,2023 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. Monday – Friday. Please call to make an appointment if you would like to view the application. By order of Larry Federman Vice-Chairman, Planning Board, Town of Catskill

Richard Roth is an engineer from Rothe Engineering and was representing the applicant at tonight’s meeting. The applicant is requesting a special use permit in order to convert a single family dwelling into a 4 family dwelling. Mr. Roth gave a brief update on the project. Mr. Rothe stated he had contacted the Town Code Enforcement Officer regarding the approval for the construction of the Road.

The applicant submitted the green cards for the certified mailing.

Planning Board members Vice Chairman -Larry Federman and Jay Lesenger had conducted a site visit on July 15, 2023 to inspect the private road.

The applicant submitted revised plans indicating the location of the dumpster to be screened in, parking, and dark sky compliance lighting.

Mr. Federman asked if there were any questions or comments regarding SUP-6-2023.

Maria Greco resides on Cauterskill Road. She stated she has concerns regarding the dumpster location and the dumpster often times is overfilled with garbage on the ground.

Mr. Rothe responded the location of the dumpster is required to be at the end of the driveway due to the requirements of the refuse collector, but the applicant will be screening the dumpster with stockade fencing on all four sides.

Mr. Federman stated the issue with the frequency of the dumpster being serviced is a code enforcement issue. If any of the neighbors have any concerns in the future regarding the garbage, he would recommend that they contact the Code Enforcement Office.

Mr. Federman asked 3 times if there were any questions or comments regarding SUP-6-2023.

There were no questions or comments.

Mr. Federman made a motion to close the Public Hearing for SUP-6-2023, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 1 Motion Carried.

**Public Hearing Closed at 6:40 PM**

**Opening of Public Hearing at 6:40 PM.**

**Site Plan Review SPR-4-2023 Good Company Local Market, 791 Rt.23B, Leeds.**

Ms. Golden gave a brief overview of this project to date, the Planning Board had held a Public Hearing for SPR-4-2023 at the Planning Boards November 28, 2023 meeting, but due to the applicant not mailing out the public hearing notices, the Planning Board made a motion to close the Public Hearing at the November 28, 2023 meeting and reschedule a public hearing for tonight’s meeting. Ms. Golden then opened the public hearing**.** The Notice of Public Hearing was published in the Daily Mail on December 13, 2023 and December 14, 2023

 **NOTICE OF PUBLIC HEARING**

The Town of Catskill Planning Board will hold a Public Hearing on application

Site Plan Review SPR-4-2023 pursuant to Section 160-14 of the Town of Catskill Zoning Code to allow the renovation of garage for use as a market and placement of a structure for a use as a diner on lands owned by Good Company Local Markets located at 791 Rt. 23B , Leeds NY Tax Map # 138.15-1-1 The Public Hearing will be held on the 19th day of December, 2023 at 6:40 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 by appointment, at the Planning Board Office Monday – Friday 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.

The applicant submitted the green cards for the certified mailing.

Dennis Kanuk is the applicant for this request for a site plan review. Mr. Kanuk gave a brief overview of the project. The applicant is proposing to renovate the existing 1,200 sq. ft. service station located on the site and turn it into a local market and café, as well as to place a 1950 45’x 50’’ vintage dinning car on north end of the parcel. Mr. Kanuk stated at this time he was not able to have the plans revised in response to the Engineer’s comments but will be submitting a revised set of plans addressing parking and lighting.

A resident of Leeds asked who the target is for customers.

Mr. Kanuk answered the customer base will primarily be for tourist and campers.

Mr. Federman asked the applicant to revise the plans to show the hash marks denoting the handicap parking space is not actually steps.

Ms. Golden asked if there were any questions or comments regarding SPR-4-2023.

There were no questions or comments.

Ms. Sprague- Schmidt made a motion to close the Public Hearing for SPR-4-2023, seconded by Mr. Lesenger

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

**Public Hearing Closed at 7:05 PM**

**Continuation of Public Hearing:**

**Subdivision SUB-22-2022 Vita Foras Bogart Road, Palenville**

Ms. Golden gave a brief overview of this project to date. The Public Hearing had been continued form the Planning Board November 28, 2023 meeting in order to give the public time to submit comments regarding this application**.**

Sarah Ashcroft and Jason Brown are the applicants for this project and were in attendance at tonight’s meeting along with Stewart Mesinger who is the Planner for this project from Labella Associates

Mr. Mesinger reviewed the technicalities in the development of the project which included: delineation of the wetlands, with DEC Involvement and approvals, effects (???) from culvert pipes to the site, retention ponds, vegetation and potential plantings on the site, topography of the site, septic designs and well along with D.O.H approvals, HOA and its management, size of lots, lighting fencing , signage for protected lands, herbicide restrictions, and snow removal.

Ms. Golden read aloud correspondence from Zane Cheek, Geralynn & Charles Demarest, Alex Duad, and a signed petition from residence of Palenville in favor of the project, Ms. Golden stated in response to Mr. Duad’s concerns regarding tax revenue, that it was not within the Planning Board’s purview and would recommend speaking with the town Board regarding that matter.

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

Robin DePuy resides in Palenville. Mrs. Depuy stated she has concerns regarding the fragmentation of resources potentially created by this proposed project be dividing the wetlands on the south from the wetlands on the east, and she has concerns for any potential issues with the powerlines above ground, deforestation, development of the private roads, and the effect this project could have on the nesting peregrine falcon and nesting bald eagle, and effects on local traffic.

Laura Dedrick stated her concerns are with the HOA, and how it will be maintained and held accountable in the future.

Steven Depuy resides at 233 Bogart Road, Mr. Depuy stated, with the recent rain accumulation, he has concerns regarding flooding and also the stream on the site flows to one of the biggest wetlands in the area, and concerns with the plans to move the wetlands.

Even Tassel resides on Mountain Ave. in Palenville. Mr. Tassel asked if the pumping tests for the wells were going to be made public and will the pumping test include a geological cross section. Will the wells cause any interference with the streams? Will the wells and septic’s have any effect on the flooding, and due to the soil types if any fertilizers are used for growing plants how will that effect the stream and wetlands.

Cal Flackner resides at 4444 Bogart Road. Mr. Flackner he has concerns regarding flooding and feels overwhelmed with the size of the proposed project. He is also concerns with the leach fields and flooding.

Ms. Golden asked if there were any questions or comments from individuals attending tonight meeting on Zoom media. Ms. Golden then asked the applicant if they would be able to answer any of the questions from tonight’s meeting and would recommend starting with the issue of flooding.

Mr. Mesinger stated none of the proposed septics will be above ground and they will be designed not to fail. The drainage systems will be designed to handle heavy rainfall based on calculated run off and retention basins for a 100 year storm .The HOA is affected by the resident’s participation.

Mr. Federman stated he had conducted a site visit the prior to tonight’s meeting and the existing culverts were not working which is why as part of this proposed project they will have to be redesigned and that would make an improvement on flooding in that area, and he also wanted to mention one of the wetland’s delineation was moved out into the stream.

Ms. Hernandez stated, with the trees being cut, that could have a potential to create more water runoff.

Mr. Mesinger stated part of the SWPPP calculates the removal of the trees.

Mr. Federman stated the HOA will be filed with the N.Y. Department of the State and there is a mechanism in the contract that will allow the N.Y. Department of the State to ensure all of the rules are enforced.

Ms. Golden asked if the plan design has any consideration for the potential for increase flooding with the current climate changes.

Mr. Mesinger answered at this time the project has been designed to the current design standards which is a 25-year storm.

Mr. Federman asked if the SWPP could include a possible increase in the design standard beyond a 25 year storm.

Mr. Yagelski stated the design standards are based and factored on a 25 year storm.

Mr. Mesinger stated he could consider increasing the standards for the SWPPP, but he feels the land coverage is below the Towns Code requirements.

Ms. Sprague- Schmidt stated she questions if it is in the Planning Board purview or expertise to recommend an increase to the standards for the SWPP.

Ms. Golden stated she would also like to add for the record the Town Supervisor did receive a voice mail form a Marylin Hendricks who resides on Pennsylvania Avenue and is also cornered about flooding

Ms. Golden asked if the prohibition about the use of fertilizers could be added to the HOA.

Ms. Ashcroft answered “Yes”

In response to a Memo : Mr. Mesinger stated there could be a consideration for speed limit , the site will not have any Mosquito control, use of fertilizers can be addressed in the HOA , consideration for bird friendly windows, septic maintenance will be the responsibility of the home owner, lighting will be dark sky compliant, home sites will be cleared after being sold, timber will be utilized on the site, construction access will use Bogart Road exclusively , HOA will be established before parcels are sold, the lodge will have its own septic.

Mr. Mesinger stated he will be scheduling a site visit to the adjoining neighbors parcel to conduct a site visit and address the issues of the current drainage onto his property.

Mr. Mesinger stated in response to one of the letters submitted that the wetlands will not be moved. There will be mitigation of the wetlands and it will be utilizing the open space lot subject to DEC regulations. Regarding the concern for the nesting Falcon, DEC was consulted and that species of bird have a fairly wide range for habitation and he was not aware of a bald eagle and would like to know where exactly it is nesting. Mr. Mesinger gave a brief overview on the process for well testing.

Mr. Brown stated the utilities will be underground.

Mr. Lesenger asked if the design of the houses will be uniformed.

Mr. Mesinger answered “Yes”.

Mr. Mesinger explained the process for the mitigation of the wetlands.

A resident asked if there will be an escrow account set up in case of future damage to any of the neighbor’s property.

Ms. Golden answered there is nothing in the Town’s Code that addresses that requirement. The applicant will have an assuredance bond to make sure the proposed project is developed as approved by the Planning Board.

A resident from Pennsylvania Avenue, who owns 20 acres of land that is wetlands, stated she had spoken with DEC and they informed her that one of the streams coming from the site of this proposed project runs onto her land and she has concerns regarding water running off from this site onto her property and how this project could affect the ecosystem.

Amanda Wolfson asked if the applicant could indicate which sites are going to be developed first.

Ms. Ashcroft answered the sites will be developed in order they are purchased.

The Board reviewed part 2 of the EAF and requested amendment to questions 4.0, 6.0,7.0, and 8.0.

Ms. Golden stated in order for this project to move forward the applicant will need to submit the HOA, draft EAF, Comments for Delaware Engineers memo, and Delaware Engineering will need to submit the final comments regarding the plans. The Board will be continuing this Public Hearing for the Planning Board’s January 23, 2023 meeting.

Ms. Golden thanked everyone for attending tonight’s public hearing.

**OLD BUSINESS:**

**Special Use Permit SUP-6-2023 Volosk 106 Volosk Road,Catskill (Board review EAF)**

Ms. Sprague – Schmidt read part 2 of the EAF aloud.

Mr. Lesenger made a motion to accept the part 2 of the EAF as complete, seconded by Ms. Hernandez

Ayes 5, Nays 0, Absent 2 Abstained 1 Motion Carried.

Ms. Sprague- Schmidt made a motion to declare a Negative Declaration for SUP-6-2023, seconded by Mr. Lesenger

Ayes 5, Nays 0, Absent 2, Abstained 1 Motion Carried.

Mr. Federman read aloud the Negative Declaration.

Mr. Lesenger made a motion to accept the Negative Declaration resolution as amended, seconded by Ms. Sprague- Schmidt

Ayes 5, Nays 0, Absent 2, Abstained 1 Motion Carried.

Mr. Lesenger made a motion to adopt the resolution with the conditions for the dumpster to be screened in, and a second condition to obtain approval for the construction of the road by the Town of Catskill’s Code Enforcements Office, seconded by Ms. Sprague- Schmidt

Ayes 5, Nays 0, Absent 2, Abstained 1 Motion Carried.

**Site Plan Review SPR-4-2023 Good Company Local Market, 791 Rt23B, Leeds (Board Review EAF)**

Ms. Golden stated initially the Board had declared this project to be a type 2 for the purpose of SEQRA but afterwards, in calculating the actual square footage of the project it was determined to be over 4000 sqft. And will have to be reclassified.

Mr. Federman made a motion declare SPR-4-2023 as an unlisted action and an uncoordinated review, seconded by Ms. Sprague-Schmidt

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

Mr. Hilscher read aloud part 2 of the EAF.

Mr. Lesenger made a motion to adopt the SEQRA Resolution declaring a Negative Declaration for SPR-4-2023 including the CAT 21 review as indicated in the SEQRA Resolution, seconded by Ms. Sprague Schmidt

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

Ms. Sprague- Schmidt made a motion to accept the application and plans as final with the condition for the plans to be amended and address the parking and lighting, seconded by Mr. Lesenger.

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

Ms. Sprague- Schmidt made a motion to accept the resolution approving SPR-4-2023 with the conditions, seconded by Mr. Lesenger.

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

Ms. Golden thanked the applicant.

**Special Use Permit SPR-5-2023** **Catskill Grid LLC 8006 Rt 9W, Catskill**

Ms. Golden gave a brief overview of the project to date.

Justin Adams from Eolian, Paul Rodgers from ERG, were representing this application at tonight’s meeting, and Ed Dolan Chief of Town of Catskill Fire Department. The applicant is requesting this Special Use Permit in order to develop a standalone battery storage facility for the purpose of storage 100MW of energy. The 17.10 acre site is currently used for automobile salvage and storage, and is currently in 2 zones with the proposed project developing only in the industrial zone and as part of the development for this project the current use as a salvage and storage company will be removed. The applicant has submitted revised plans.

Ms. Sprague- Schmidt stated she is concerned with the Emergency Response Plan (ERP) is detailed enough to address what will be required if there is an emergency on the site.

Ms. Golden asked Mr. Dolan if he was comfortable with the ERP.

Mr. Dolan answered he was comfortable, but the emergency responders will be addressing the response as if it is a hazmat or train derailment by securing the area, evacuating, and waiting for the experts.

Ms. Golden asked if the plans are sufficient enough for the Fire Department to know how to respond in case of an emergency

Mr. Dolan answered “Yes”. His only concern is the time frame it will take for someone from the Battery Grid to arrive on site if there is an emergency, because that could affect the need for evacuation.

Ms. Golden stated she did not see anything addressing a response time in the ERP.

Mr. Adams answered any grid over 100 MW is mandated to have to have someone within 30 minutes from the site at all times. Also they will be conducting annual training as part of their ERP.

Mr. Lesinger asked what is the staffing for the facility on a daily bases.

Mr. Adams answered the site is unmanned, but there should be someone visiting the site every day.

Ms. Hernandez asked what the individual’s position would be for the site, and would they be qualified.

Mr. Adams answered plant technician, and they would be qualified to answered questions or they would be able to direct any needed contacts in case of triage.

Mr. Dolan stated if there was a major incident, the fire department would be at the site as well as DEC.

Mr. Adams stated there will also be operators who can operate the facility remotely, since the system are modular systems, and are separated from each other to buffer any type of spread.

Mr. Federman asked if the actual type of batteries to be used have been determined at this time.

Mr. Adams answered at this time he can only say that the batteries chosen will be based on the current safety standards by New York State, and International Codes.

Mr. Federman asked if the Board will know the type of batteries intended to be used before the final plans.

Mr. Adams answered as a developer you have to first obtain a permit to operate and then a contact is obtained for the actual batteries form the manufacturer and installer and then submit the final ERP.

Mr. Hilscher stated there will be an escrow account set up by the applicant for the final permits and the final ERP and therefore the CEO and the Town’s Engineer for post approval.

Ms. Golden stated the hook up to Central Hudson is not required for Planning Board approval, but it is required prior to issuance of a building permit.

Ms. Golden reviewed the draft the decommissioning plan regarding types of batteries being referenced.

Mr. Yagelski stated he will have the comments for the applicant by January 2, 2024

Mr. Dolan asked if there are any consequences if there is a violation of the ERP especially when there a need for an emergency response.

Discussion ensued.

Mr. Rodgers reviewed the procedure for an emergency response based on N.Y.S. Code.

Mr. Dolan reviewed the procedure if there was an emergency on the site.in case of a large scale incident, the fire department would contact the Greene County dispatch and it would involve DEC and possibly the Town Supervisor. The fire Department will be monitoring the air quality if there is a fire.

Mr. Federman made a motion to accept the plans as preliminary with the condition for the issuance of insurance, seconded by Mr. Lesenger

Ayes 5, Nays 1, Absent 2, Abstained 0 Motion Carried.

Mr. Lesenger made a motion to schedule a Public Hearing to be held on January 23, 2024 at 6:45 pm , seconded by Mr. Federman

Ayes 5, Nays 1, Absent 2, Abstained 0 Motion Carried.

Ms. Golden thanked the applicant.

**NEW BUSINESS:**

**Lot Line Adjustment SUB-21-2023 811 Properties LLC, 750 Rt. 23A Catskill.**

Gary Harvey was representing the applicant at tonight’s meeting. The applicant is requesting the conveyance of .07 from an existing 10.2 acre parcel to an existing 50.02 acre parcel. The applicant has submitted an application and a survey.

The Board reviewed the plans.

Mr. Federman made a motion to approve SUB-21-2023, seconded by Ms. Sprague –Schmidt

Ayes 6, Nays 0, Absent 2, Abstained 0 Motion Carried.

**OTHER BUSINESS:**

Ms. Golden stated she would like to remind all Board member’s of their requirement for 4 hours of annual training.

Planning Board members voted 6 Ayes 0 Nays, to recommend Teresa Golden as Chairwoman for the year of 2024

Planning Board members voted 6 Ayes 0 Nays, to recommend Larry Federman as Vice- Chairman for the year of 2024

Planning Board meeting minutes for November 28, 2023 were tabled

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

 Planning Board meeting ended at 9:17 PM

Respectfully Submitted,

Patricia Case-Keel

Planning Board Secretary

Approved as Amended 2/27/2024