

TOWN OF ROSENDALE PLANNING BOARD

MINUTES

THURSDAY, JUNE 13TH, 2024
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

Chair Billy Liggan, called the meeting to order with the Pledge of Allegiance at 7:07pm.

ROLL CALL

Billy Liggan, Chairman	Present
Jim Luckner, Vice Chairman	Present
Jere Brown	Present
John Hughes	Present
John Ivankovic	Present
Nick Mercurio	Present
Randi Morf	Excused
Marc Cassidy, Alternate Board Member	Present
David Plante, Town of Rosendale Planner	Present via video conference
Councilmember Carrie Wykoff, Town Board Liaison	Present
Brisa Casas, Planning Board Clerk	Present

There is no representative present from the Rosendale Environmental Commission.

MINUTES:

Motion made by John Ivankovic, seconded by Jere Brown to accept the minutes from May 9th, 2024.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

OLD BUSINESS:

Application: #2024-4-Site Plan Review Lift Café & Juice Bar

SBL: 62.82-5-6

Location: 424 Main Street

Applicant Name(s): Peter Oellers & Daniel Malpica

Peter Oellers & Daniel Malpica are present on behalf of this application.

All Rosendale Planner Dave Plante's Memo comments were addressed.

Chairman Billy Liggan reads out loud, reviews and deliberates with the board Part II & Part III of the Environmental Assessment Form (EAF)

Motion made by Nick Mercurio, seconded by John Ivankovic, for a negative declaration of SEQRA determination of significance.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by John Hughes, seconded by Vice Chairman Jim Luckner, to approve application #2024-4-Site Plan Review with the following conditions:

1. All fee's are paid in full.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Application: #2024-5-Site Plan Amendment-Lewis Solar Farm Project

SBL: 62.4-6-33.100

Location: 173 Coutant Road

Applicant: Nexamp and Lewis Solar Partners LLC

Kathy Haake is present on behalf of this application.

Mrs. Haake requests the board waive the public hearing for this application.

The board discusses the request to waive the public hearing but decides it would be best to have one because of the change to the panel locations on site. Neighbors should have the opportunity to be notified and informed about the changes.

Board Member John Ivankovic informs the applicant, Mrs. Haake, of complaints he received

from residents about trucks speeding when they are driving on Grist Mill Road and Coutant Road. He asks for communication with their vendors about drivers slowing down on the local roads.

Mrs. Haake tells him she will address it with the contractors to inform the drivers.

Rosendale Planner, Dave Plante's Memo comments were addressed by the applicant.

Rosendale Engineer, Brinnier & Larios, is reviewing the updated SWPPP provided by the applicant.

The applicant should contact the Rosendale Town Board/Rosendale Town Clerk/Rosendale Town Attorney to confirm whether the existing Decommissioning Agreement for the project is adequate or requires a revision to reflect the amendment to the project.

Motion made by John Ivankovic, seconded by Vice Chairman Jim Luckner, to reaffirm a negative declaration of SEQRA determination of significance for this application.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by Jere Brown, seconded by John Ivankovic, to set a public hearing for July 11th 2024.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

NEW BUSINESS:

Application: #2024-6-Site Plan Amendment

SBL: 62.82-5-18

Location: 378 Main Street

Applicant: Parradilla Family Grill

Cynthia (Nubius Marylu Ciardiello) is present on behalf of this application.

The applicant, Parradilla Family Grill, is requesting an amendment to a previously approved application. This location was previously approved for a takeout only eatery during covid. This applicant is requesting to add indoor tables & seating for customers.

The board reviews Rosendale Planner, Dave Plante, Memo Comments:

- *The Applicant (Grilled Goodness, LLC) is requesting Site Plan amendment approval for their restaurant in an existing building on a 0.13-acre parcel located on 378 Main Street (Tax Parcel ID 62.82-5-18). The amendments to the site plan include a request to convert a ±200 square foot portion of the interior of the restaurant to an indoor customer seating area with four (4) tables and associated seating.*
- *Pursuant to §75-19(A)(2)(a)[3] of the Rosendale Town Code, one (1) parking space is required for each 100 square feet of customer floor area for restaurant uses. According to the submitted revised site plan, the Applicant will be utilizing approximately 200 square feet of the building that will be accessible to customers. Based on this customer floor area, a minimum of two (2) on-site parking spaces needs to be provided. It is understood that there is a parking area associated with the previously approved restaurant to the west of the building, however, no parking is illustrated on the provided site plan. §75-19(C) of Rosendale Town Code requires each space be nine (9) feet wide by twenty (20) feet long. The Applicant should revise the site plan to demarcate the required minimum parking spot dimensions and confirm that the site can still fit two (2) spots at the required size. It is also recommended that handicapped spaces be specifically delineated on the final site plan.*

Interior customer floor space is being increased by the applicant for the tables and seating which requires the applicant to add another parking spot for a total of two parking spots for customers. The applicant is asked to submit a revised Site Plan with the parking updated.

Motion made by John Hughes, seconded by Vice Chairman Jim Luckner, to classify the project as an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (SEQRA - 6NYCRR § 617) and declare its intent to act as SEQRA Lead Agency for this project and to conduct an uncoordinated SEQRA review.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by Nick Mercurio, seconded by John Ivankovic, to refer this application to the Ulster County Planning Board for review and comments.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by John Ivankovic, seconded by Vice Chairman Jim Luckner, to refer this application to Town of Rosendale Police, Rosendale Water & Sewer, Rosendale Highway and the Rosendale Fire Department.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by John Ivankovic, seconded by Jere Brown, to waive the public hearing for this application.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Application: #2024-7-Special Use Permit and #2024-8-Site Plan Review

Project Name: Royal Blend Dispensary

SBL: 62.16-2-19

Location: 2223 Route 32

Applicant: Ed Parker

Ed Parker is present on behalf of this application. He owns 2223 Route 32 and would like to open a cannabis dispensary.

The following is discussed about the application:

- The building will be used for a cannabis dispensary.
- The building was previously approved for a granite store.
- The current business (firewood) on site will not be operating once the dispensary is approved and open.
- The second floor of the building is currently an apartment.
- The cannabis law restricts residential use on site.
- Mr. Parker tells the board his client is interested in also renting the second floor for an office/employee break room.
- Landscaping – no landscaping information was submitted.
- Mr. Parker informs the board he is not proposing any new plantings.
- Well – The existing well is shallow, Mr. Parker has considered digging a new well for the parcel in a new location. If that change is going to be made soon the board asks him to delineate the new well location on the site plan.
- Mr. Parker submits supplemental documents to the board which include an interior floor plan, pictures of temporary traffic bollards, a picture of the building, and a lighting cut sheet for the existing exterior lighting.
- No rendering of the proposed signage was submitted for the board to review.
- Only one handicap parking spot is required.
- No new lighting is proposed.
- The Site Plan provided by the applicant indicates a DOT Right of Way in the parking lot of the parcel.

Review of Rosendale Planner, Dave Plante, Memo Comments:

- *The Applicant (Edward Parker of Royal Blend Dispensary) has submitted an application for a Special Use Permit and supporting materials for a cannabis dispensary within an existing building, located at 2223 NYS Route 32 (Tax SBL 62.16-2-19)*
- *Pursuant to §75-28.5(F)(3) (Local Law 3 of 2023) of the Town of Rosendale Zoning Code regulating adult use cannabis related businesses, adult-use cannabis retail dispensaries are allowed by Special Use Permit with Site Plan Approval in “pre-existing non-conforming commercial areas” of the R-1 zoning district in the Town of Rosendale.*
- *The provided site plan illustrates that the proposed dispensary is not within 500 feet of the following locations as required under §75-28.5(F)(4) of the Rosendale Town Code:*
 - *A private or public Pre-K through Grade 12 School;*
 - *A daycare center or any facility where children commonly congregate;*
 - *Any other cannabis establishment;*
 - *Any drug or alcohol rehabilitation facility; and/or*
 - *Any building containing a place of worship.*
- *Pursuant to §75-28.5(F)(5) of the Rosendale Town Code, the proposed dispensary is not located within a building or on a property containing any other uses.*
- *Pursuant to §75-28.5(G) of the Rosendale Town Code, the proposed dispensary is:*
 - *contained entirely within a principal building or structure;*
 - *contained within a permanent building;*
 - *not proposing outside storage of cannabis or cannabis related paraphernalia; and*
 - *not proposing any on-site cannabis consumption.*
- *Pursuant to §75-28.5(H)(2) of the Rosendale Town Code, the Applicant should confirm that the proposed retail dispensary will adhere to hours of 9:00AM to 9:00PM as limited by this applicable section of the Rosendale Town Code.*
- *Pursuant to §75-28.5(I) of the Rosendale Town Code, the Applicant should confirm if any signage is proposed and, if so, provide a sign detail drawing depicting how the sign will conform to the restrictions for signs in residential districts as required under §75-22 of the Rosendale Town Code.*
- *Pursuant to §75-28.5(J) of the Rosendale Town Code, the Applicant should revise the project site plan to depict all on-site parking spaces, the number (1 space for every 200 SF of customer floor area, plus 1 space for each company vehicle) and dimensions (9’ x 20’ for each parking spot) of which should conform to §75-19 of the Rosendale Town Code.*
- *Pursuant to §75-40(C)(5) of the Rosendale Town Code, it is recommended that the Site Plan be revised to include the following items:*
 - *(c)[6] - The proposed location, direction, power and hours of operation of proposed outdoor lighting.*
 - *(c)[7] – Details on any proposed screening or landscaping. The Planning Board should discuss whether it feels additional screening/landscaping should be required.*

Motion made by Vice Chairman Jim Luckner, seconded by John Hughes, to classify the project as an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (SEQRA - 6NYCRR § 617) and declare its intent to act as SEQRA Lead Agency for this project

and to conduct an uncoordinated SEQRA review.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Abstain, Nick Mercurio – Yes

Yes - 5

Abstain -1

Motion carried.

Motion made by Vice Chairman Jim Luckner, seconded by Nick Mercurio, to refer this application to the Town of Rosendale Police, Rosendale Water & Sewer, Rosendale Highway and the Bloomington Fire Department.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Abstain, Nick Mercurio – Yes

Yes - 5

Abstain -1

Motion carried.

Motion made by John Hughes, seconded by John Ivankovic, to refer this application to the Ulster County Planning Board for review and comments.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by Jere Brown, seconded by John Ivankovic, to set a public hearing for July 11th 2024.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Application: #2024-9-Minor Subdivision

SBL: 62.4-5-7

Location: 471 Lefever Falls Road

Applicant: Timothy Gallagher and March Gallagher

Tim Gallagher and March Gallagher are present on behalf of this application.

They are requesting a minor subdivision of land. The existing parcel has two dwellings. The Gallaghers would like to split the property to separate the dwellings into two separate parcels.

Review of Rosendale Planner, Dave Plante, Memo Comments:

- *The Applicant (Timothy Gallagher) is proposing a major subdivision of the subject parcel located at 467-471 LeFever Falls Road. The Applicant is proposing to divide the existing 5.077-acre parcel into two (2) lots: “Lot 1” (4.076± acres containing an existing residence) and “Lot 2” (1.001± acres containing an existing residence). The parent parcel is located entirely within the R-1 zoning district without municipal sewer or water, which requires a minimum lot size of 1.0 acres. As such, no undersized lots will be created as a result of the proposed subdivision. Access to Lot 1 and Lot 2 is provided directly off LeFever Falls Road via existing driveways.*
- *Minimum setback lines should be added to each of the two (2) lots in order to graphically depict compliance with minimum lot requirements of the R-1 district, in addition to the provided scale.*
- *Copies of the completed deed descriptions for all lots should be provided to the Planning Board, pursuant to §60-20(C) of the Rosendale Town Code.*
- *When submitted, the Final Plat should be clearly demarcated as the “Final Plat” and should ensure that it conforms to the requirements stipulated in §60-21 of the Rosendale Town Code.*

Motion made by Jere Brown, seconded by Vice Chairman Jim Luckner, to classify the project as an “Unlisted Action” pursuant to the New York State Environmental Quality Review Act (SEQRA - 6NYCRR § 617) and declare its intent to act as SEQRA Lead Agency for this project and to conduct an uncoordinated SEQRA review.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by John Hughes, seconded by John Ivankovic, to set a public hearing for July 11th 2024.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

ADJOURNMENT:

Motion made by John Ivankovic, seconded by John Hughes, to adjourn at 8:20pm.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes, John Ivankovic – Yes, John Hughes – Yes, Nick Mercurio – Yes, Randi Morf – Yes,

Motion carried.

Respectfully submitted,
Brisa Casas
Planning Board Clerk