

TOWN OF ROSENDALE PLANNING BOARD

MINUTES

THURSDAY, MARCH 14TH, 2024
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

Chair Billy Liggan, called the meeting to order with the Pledge of Allegiance at 7:04pm.

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 Jere Brown, seconded by John Ivankovic to accept the minutes from February 8th, 2024.

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

Motion carried.

PUBLIC HEARING:

Application: #2024-1-Special Use Permit

SBL: 70.1-2-32

Location: 56 Bruceville Road

Applicant Name(s): Camp Menucha (Representatives John Fuller and Harry Miltz)

John Fuller and Harry Miltz are present on behalf of this application.

Chair Liggan asks Mr. Fuller to give a summary of the proposed project.

Mr. Fuller has an easel set up with the proposed plans to display the location of the building on the parcel. The application is proposing the replacement of a fire damaged building, cabin E7/E8, which had to be demolished after the fire. The proposed building includes a four-foot expansion of the cabin footprint for handicapped accessibility requirements.

Motion made by John Ivankovic, seconded by Nick Mercurio, to open the public hearing for application #2024-1-Special Use Permit-Camp Menucha at 7:07pm

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

Motion carried.

Public Comments:

Lori Andersen – Prior to the Planning Board meeting she submitted an email with comments/concerns/complaints/pictures about Camp Menucha. She asks the board if they received/read the email and attachments. She is not in favor of this application being approved and she requests the Planning Board deny this application.

Chairman Billy Liggan – He responds, Yes the board received the email and attachments and have reviewed them prior to the meeting tonight.

He informs her and the public present that the Planning Board is an administrative board, not an enforcement board. Some of the comments in Mrs. Andersen's letter are not issues the Planning Board has authority to control. The Code Enforcement Officer and the Police Department are the departments that need to be informed of the comments regarding garbage, noise and traffic/speeding on the road.

Maria – She states she has not had any problems with the camp. She can hear children playing outside when camp is in session, however she does not consider it a disruptive amount of noise.

Husam Mufti – Are they increasing the camps capacity by adding this new building?

Mr. Fuller – This application request for the replacement building is not increasing the capacity of the camp. The building existed as a bunk house before it burned down, and they propose to replace it with another building that will also be used for a bunk house.

Kelly – Is there a square footage expansion proposed for the building?

Mr. Fuller – Yes, the building will be approximately 1,760 sq ft, so the increase will be about 20%, with the additional four feet added onto the building.

Lori Andersen – If the old building did not meet current handicap accessibility, were wheelchairs used in the building before? Why do they need to make the building larger now?

Mr. Fuller – Yes, the prior bunk building was used for campers that may have needed wheelchairs. The building was pre-existing to the current ADA Laws and requirements. It is a law now that the proposed replacement new building meets the current ADA standards/requirements for handicap accessibility. Therefore, the added four feet onto the building is needed to comply with the wheelchair clearances and accessibility pursuant to ADA Compliance Laws.

Michelle Andersen – What is the other building shown on the site plan? Will there be added fencing? We are concerned with campers/staff wandering onto our property.

Mr. Fuller – The building you are asking about is located on the upper level of the property. It is also a bunk house that will also be used for campers/staff housing. This was previously reviewed and approved by the Planning Board last year and is currently in construction. There is already existing fencing along the property line near the proposed bunk house E7/E8. There are no plans to change the existing fencing at this time.

Harry Miltz – When we purchased the property, we added fencing to ensure safety for the campers and specifically erected in the areas the campers utilize the most. The parcel is very large with wooded forest areas so they do not have fencing surrounding the entire parcel at this time.

Lori Andersen – Garbage litter on our property from the camp is another issue we have.

Harry Miltz – Last year there was an issue with bears getting into the dumpsters and

dragging the garbage into the woods or onto neighboring parcels. When a neighbor called and told him of the garbage, he immediately informed staff on site to go clean it up. To address this happening in the future a garbage compactor was purchased and installed to deter bears and other wildlife from causing future garbage issues.

Lori Andersen – She claims construction debris and garbage is being thrown over the fence onto her parcel. She also states she believes an individual from the camp property threw human waste onto her parcel.

Harry Miltz – He states that he directs staff to address issues when he is informed of them. If Mrs. Andersen reached out to him and informed him of the garbage issue he would have staff clean it up.

There is currently a construction crew working on the parcel in preparation for summer camp and he will have to address the claim of construction debris being thrown over the fence with them.

Town of Rosendale Planner, Dave Plante – An email was received from Rosendale Building Inspector, Nick Wulczyn. He informs the board that an on-site visit was conducted by both Mr. Wulczyn and the Rosendale Fire Marshal, Kevin Hines, to follow up on complaints their department received regarding the garbage and lighting. They walked the parcel and did not find any rubbish/garbage littered. He has requested and received information on lighting cut sheets to show that the lighting will meet Dark Sky Compliance. He also informs the board that noise complaints and speeding/traffic complaints should be directed to the Rosendale Police Department.

Angela – She has concerns about the cars/vans/delivery trucks increased traffic and speeding on the road because of the camp. Her children ride bikes and play near the road and she is concerned about their safety.

Harry Miltz – There are buses that bring campers in the beginning of the season, and they stay for a 7-week session, the camp counselors switch once in the middle of the season. Buses and handicap accessible vans are used for both staff and campers. Parents of campers come to visit once during the summer, and we give them instructions to drive slow on the local roads. Deliveries are made to the camp throughout the summer, by delivery trucks. If he is informed of the speeding/traffic problem, he will have to address it with the specific company/driver to resolve it. If there are many complaints about the same delivery vehicle or company, he may choose to refuse their delivery and use another company.

Karen – She informs the board that she has called Harry and talked to him about issues/complaints, and he has responded positively to her and quickly addressed the problems. She is in support of this application because she does not feel it is fair to tell

them they can't replace a building or that they don't have the right to build on their own property.

Chris – Was the old building used as a year-round residence? Will the new building be used as a year-round residence? Were the comments referenced by the board about memo comments addressed by the applicant?

Mr. Fuller – No, it will not be used as a year-round residence. The previous building was only used for seasonal camp use and the new building will also only be for seasonal camp use. The buildings do not meet the required building codes to be a year-round residence.

Town of Rosendale Planner, Dave Plante - Yes, the comments referenced from the memo were addressed by the applicant.

Nancy Clark – Her and her husband are in support of this application. Her experience with the camp has been positive. Any issues/complaints they had, they reached out to Harry directly and he addressed them quickly. He was even nice enough to allow them to tour/walk through the camp since they had not been on the property in many years.

Chairman Billy Liggan – He suggests neighbors who still have complaints may ask to set up a meeting to communicate directly with Harry Miltz to address their problems. There were a few residents who

Jed Tucker – He lives on Bruceville Road. He presents a letter that was placed in his mailbox without postage or any information about who it was from. He states the incendiary letter makes accusations about the camp. He asks the board if there is something else going on that no one is talking about or addressing?

Chairman Billy Liggan – The board did not receive the letter Mr. Tucker is referring to. If it was placed in your mailbox without postage or going through the US mail system, you could contact your local post office because that is illegal. Only stamped mail is legally able to be put inside the mailbox. A mailbox is intended only for receipt of postage-paid U.S. Mail.

The applicant has been transparent with the Planning Board throughout the application review process for the proposed replacement building. To this board's knowledge there is nothing more going on regarding what Mr. Tucker may be referencing from the letter he received.

Harry Miltz and John Fuller – They both respond that the application requested is only for the one replacement building E7/E8. Nothing more is proposed in the application.

They are unsure about what Mr. Tucker is referring to when he stated “ is something else going on here” because they also did not receive or see the letter he is referencing.

Motion made by Vice Chairman Jim Luckner, seconded by John Hughes to keep the public hearing open for two weeks, until March 28th, 2024, for written comments on application #2024-1-Special Use Permit-Camp Menucha-56 Bruceville Road.

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

Motion carried.

NEW BUSINESS:

Board Member John Hughes informs the board he is recusing himself from this application review because he has done work/helped the applicants at 1 Madeline Lane.

Application: #2024-2-Site Plan Review

SBL: 70.8-5-5

Location: 1 Madeline Lane

Applicant Name(s): The Muse (Representatives Carine Elen and Susan Wile)

Carine Elen and Susan Wile are present on behalf of this application.

The following is discussed about the application:

- This application is for The Muse: Hive For The Arts. They propose to provide a space for artists in the greater Rosendale community to practice, perform, exhibit and share their arts with the public, including the following: musical groups (choir, band, singers), theatre groups, literary and poetry groups, dance ensembles, healing arts groups, visual arts, spoken word groups, martial arts, tai-chi, yoga, meditation and chanting, photography and videography projects, gallery space for visual art, private/public arts related events and celebration space.
- The hours of operation are 8am-10pm, 7 days a week.
- Parking – A driver has been enlisted as a shuttle service to pick up/drop off people for events that need parking overflow. Nearby businesses Table Rock Tours and Citgo have agreed to allow some overflow parking for them. Verbal agreements were made with the business owners.
- The board reviews the parking spot size requirements for the parking lot and reviews the dimensions provided with the application.
- Carine presents a revised parking lot drawing with two handicap accessible parking spots to the board. Parking spots #2 and #3 have five feet extra for van accessibility.
- The Citgo will allow them three spots for overflow parking.
- Town of Rosendale Code 75-19 (c) – parking lot size of 9 x 20 is required.

- In the winter, December 12th 2023, they hosted an open house event to introduce the community to The Muse. They had almost 300 people over the course of 5 hours attend the event.

The board reviews the Town of Rosendale Planner, Dave Plante's memo comments with the applicants:

- *The Applicant (Carine Elen) is requesting Site Plan approval for the proposed reuse of the vacant former Market Market Building on a 0.263-acre parcel located on the southwest corner of Madeline Lane and NYS Route 32 (Tax Parcel ID 70.8-5-5) for a proposed community arts center. Proposed uses include community performance and rehearsal space, visual arts gatherings/exhibits and space for yoga/martial arts classes. The proposed use (cultural facility) is classified a SIC code 84, and as such, is a use allowed by Site Plan Approval in the B-2 zoning district*
- *At 0.263 acres (11,456 SF), the lot is not an existing undersized lot in the B-2 zoning district, which requires a minimum lot size of 10,000 square feet. No changes to the exterior footprint of the existing building are proposed.*
- *A zoning table should be added showing the bulk zoning district requirements for the zoning district and how the project conforms to them.*
- *Locations of sewer and water lines being utilized by the project/building should be depicted on the site plan.*
- *The Applicant has indicated in their submission that they will utilize downward facing and shielded fixtures that are IESNA Dark Sky Compliant and has indicated the location of the proposed lighting on Exhibit 1. However, no cut sheets for the proposed lighting demonstrating IESNA Dark Sky Compliance have been provided. It is recommended that the Applicant provide all cut sheets for the proposed Dark Sky Compliant lighting.*
- *The proposed signage illustrated in Exhibit B of the application appears to be in conformance with §75-22 of the Rosendale Town Code - specifically, that it is less than 100 square feet.*
- *A landscaping plan has been provided as Exhibit 7B, however, it is illegible. A legible digital copy should be provided for review, and additional comments may be forthcoming. Non-native and/or invasive species should not be proposed.*
- *The Applicant should confirm that no improvements are proposed within the NYSDOT Right of Way.*
- *Pursuant to §75-19(A)(4)(d) of the Rosendale Town Code, one (1) parking space is required for each 800 square feet of gross office floor area for gallery/institutional uses. The Applicant will be utilizing 1,026 square feet of the building for their proposed use. Based on this gross floor area, a minimum of two (2) on-site parking spaces need to be provided. The provided site plan indicates that fifteen (15) parking spaces will be provided and, as such, the minimum parking requirements will be met on-site. It is recommended that handicapped spaces be specifically delineated on the final site plan. The Applicant has also indicated that they have agreements in place with Citgo and TRT Bicycles for overflow parking, as needed. Copies of these agreements (with any financial stipulations redacted) should be provided to the Planning Board when signed.*

Motion made by Nick Mercurio, seconded by John Ivankovic, 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, Marc Cassidy – Yes, John Ivankovic – Yes, Nick Mercurio – Yes, John Hughes – Recused

Motion carried.

Motion made by Jere Brown, seconded by Vice Chairman Jim Luckner to set the public hearing for application #2024-2-Site Plan Review-The Muse to take place on April 11th, 2024, at 7:00pm.

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

Motion carried.

The board requests the applicant address the memo comments and submit supplemental/revised documents for this application.

Application: #2024-3-Major Subdivision

SBL: 70.2-1-37.100

Location: 617 Route 213

Applicant Name(s): Lands of Liam Purvis

Chris Grey, of Control Point Associates Inc., and Liam Purvis are present on behalf of this application.

The following is discussed about the application:

- Mr. Purvis is proposing a subdivision of land to create three residential lots.
- The lots will be used for single family residences.

The board reviews the Town of Rosendale Planner, Dave Plante’s memo comments with the applicant:

- *The Applicant is proposing to divide the existing 10.37-acre parcel into three (3) lots: “Lot 1” (4.61± acres containing an existing residence and outbuildings), “Lot 2” (4.45± acres currently undeveloped but proposed as a residential lot) and “Lot 3” (1.31± acres currently undeveloped but proposed as a residential lot). All three lots are located entirely within the R-1 zoning district with municipal sewer or water, which requires a minimum lot size of 0.5 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 NYS Route 213, while access to Lot 3 is proposed to be provided through an access easement from/through Lot 2*
- *The zoning table provided on the plat only depicts what is required for lots located in the R-1 zoning district. It is recommended that columns be added to this table for each of the three (3) lots that illustrate what the proposed building setbacks, lot sizes and lot coverages will be based*

on the conceptual building footprints provided so that they can easily be compared with what is required for lots located in the R-1 district with both municipal sewer and water.

- *Minimum setback lines should be added to each of the three (3) lots in order to graphically depict compliance with minimum lot requirements of the R-1 district.*
- *It is recommended that the metes and bounds of the easement for Lot 3 be graphically depicted on the Plat and that they will conform to the written description for the access easement for ingress and egress as described below.*
- *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. A copy of the proposed reciprocal access easement for ingress and egress should be provided along with the proposed deeds, and should include provisions for maintenance and upkeep.*
- *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 Nick Mercurio, 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, Marc Cassidy – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Motion made by John Ivankovic, seconded by John Hughes, to set the public hearing for application #2024-3-Major Subdivision-617 Route 213-Lands of Liam Purvis, to take place on April 11th, 2024, at 7:00pm.

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

Motion carried.

The board requests the applicant address the memo comments and submit supplemental/revised documents for this application.

ADJOURNMENT:

Motion made by Chairman Billy Liggan, seconded by John Ivankovic, to adjourn at 9:19pm.

Roll Vote: Chairman Billy Liggan – Yes, Vice Chairman Jim Luckner – Yes, Jere Brown – Yes,

Marc Cassidy – Yes, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio – Yes

Motion carried.

Respectfully submitted,
Brisa Casas
Planning Board Clerk