

TOWN OF ROSENDALE PLANNING BOARD

MINUTES

THURSDAY, MAY 9TH, 2024
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

Chair Billy Liggan, called the meeting to order with the Pledge of Allegiance at 7:08pm.

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	Present
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 Hughes to accept the minutes from April 11th, 2024.

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

Abstain – 1

Yes - 6

Motion carried.

OLD BUSINESS:

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.

- A referral of this application and public hearing notice was submitted to the Town of Marbletown, no response was received.
- The public hearing was held open for two weeks for written comments after the March 14th 2024 meeting. It was closed on March 28th 2024.
- Camp is used for seasonal use only.
- The proposed bunk house is used for both campers and staff during the camp season.
- The four foot expansion is necessary to comply with ADA regulations for the campers wheelchair accessibility.

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 John Ivankovic, seconded by Randi Morf, for a negative declaration of SEQRA determination of significance.

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.

Motion made by Jere Brown, seconded by Vice Chairman Jim Luckner, to approve the amended condition of # 4. The building is restricted to seasonal camp use only.

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.

Motion made by Jere Brown, seconded by John Hughes, to approve application #2024-1 with the following conditions:

1. All new lighting meets IESNA Dark Sky Compliance.
2. Replacement of any other buildings or addition of any new buildings on the subject parcel will require Site Plan Review by the Rosendale Planning Board.
3. All fees are paid in full.
4. The approved building is restricted to seasonal camp use only.

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.

PUBLIC HEARING:

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)

Planning Board member John Hughes recuses himself from this application review.

Carine Elen is present on behalf of this application. They will be hosting groups involved in music and arts, as well as using the space for her choir group “Bloom” to practice and perform.

Motion made by Randi Morf, seconded by John Ivankovic, to open the public hearing for application #2024-2 at 7:34pm.

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

Motion carried.

Carine gives the public a summary of her requested application.

Public Comments:

Betsy Blair – She is a member of Bloom. They have been practicing in outside pavilions and this building would be perfect for them to get out of the elements during the cold and raining months.

Sage – She is the next-door neighbor on Madeline Lane and is in support of this application approval. She is excited to have an art and music space next to her.

Debbie – She is also part of the group Bloom and is in support of this application. She loves the community of Rosendale and the choir group desperately needs a place to call home.

Susan Wile - She is also part of the group Bloom and is in support of this application. She says we need the arts in this community to feed our souls.

Danielle - She is also part of the group Bloom and is in support of this application. This new building will become a community center for Rosendale and it will help fill the empty space left behind by the closing of the Rosendale Café.

Motion made by Randi Morf, seconded by John Ivankovic, to close the public hearing for application #2024-2 at 7:45pm.

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

Motion carried.

Review of Rosendale Planner, Dave Plante, Memo Comments:

- *Original Comment: The Applicant should confirm that no improvements are proposed within the NYSDOT Right of Way. Planner Response: Comment addressed. The Applicant has provided a signed statement attesting that no improvements are proposed within the NYSDOT Right of Way for NYS Route 32.*
- *Original Comment: Locations of sewer and water lines being utilized by the project/building should be depicted on the site plan. Planner Response: Comment not addressed. No revised site plan has been provided.*
- *Original Comment: 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. Planner Response: Comment not addressed. No revised site plan has been provided.*
- *Original Comment: 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. Planner Response: Comment partially addressed. The signed statements from TRT Bicycles and Citgo granting use of their properties for overflow parking have been provided. However, no revised site plan has been provided depicting the delineated location of handicapped parking on the site plan.*

The following is discussed with the applicant:

- Memo comments about landscaping, parking and proposed improvements within the DOT right of way have all been addressed with supplemental documents submitted by the applicant.
- The Water and Sewer line comments were not addressed. The applicant informs the board that she is trying to get a hold of someone from the Sewer & Water Department to help her find the locations of the lines to update the Site Plan.

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 Ivankovic – Yes, Nick Mercurio – Yes, Randi Morf – Yes, John Hughes – Recused

Motion carried.

Motion made by John Ivankovic, seconded by Vice Chairman Jim Luckner, to approve application #2024-2 with the following conditions:

1. The applicant must revise the Site Plan to show the Water & Sewer line locations.
2. All fees are paid in full.

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

Motion carried.

NEW 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.

They would like to use 424 Main Street for a Café and Juice Bar. The building previously had a retail store called Perry's Pickles.

Review of Rosendale Planner, Dave Plante, Memo Comments:

- *Locations of sewer and water lines being utilized by the project/building should be depicted on the site plan.*
- *The Applicant has not indicated in the application package or on the site plan whether any exterior lighting is proposed, other than one (1) fixture proposed to light the front sign with a spotlight as depicted on the sign detail sheet. The Applicant should clarify whether additional exterior lighting is proposed. The Application should demonstrate that proposed fixtures are IESNA Dark Sky Compliant. It is recommended that the Applicant provide all cut sheets for any proposed lighting to confirm that it is Dark Sky Compliant.*
- *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 site plan, the Applicant will be utilizing 500 square feet of the building that will be accessible to customers. Based on this customer floor area, a minimum of five (5) on-site parking spaces need to be provided. The provided site plan indicates that six (6) parking spaces will be provided and, as such, the minimum parking requirements will be met on-site. However, §75-19(C) of Rosendale Town Code requires each space be nine (9) feet wide by twenty (20) feet long. The spaces delineated on the site plan are only eight (8) feet wide by fifteen (15) 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 five (5) spots at the*

required size. It is also recommended that handicapped spaces be specifically delineated on the final site plan. The Applicant should confirm that none of the spaces on the project site will be required to be reserved for any upper floor residential tenants.

- *The property is located within 500 linear feet of NYS Route 213. If the Applicant can confirm that downward facing IESNA compliant light fixtures will be utilized and that proposed signage conforms to Rosendale Town Code, the proposed Site Plan Review application would be exempt from referral to the Ulster County Planning Board, in accordance with the Land Use Referral Guide of 2016 (Table I)*
- *Pursuant to §75-40(C)(3)(f) of the Rosendale Town Code, the Planning Board can elect to hold a public hearing for the project. A vote on the approval/disapproval of the project must occur within 62 days of the close of the public hearing, or, if no hearing is held, 62 days from the date the application is deemed complete.*

The following is discussed with the applicant:

- Lighting – The applicant states that there is no new lighting needed and they don't plan on adding any.
- The business is a Café/Juice Bar and will be operating during the morning and day. They are not planning on offering dinner.
- Hours of operation = 7am-late afternoon.
- Days of operation = 5 days a week
- Review of the updated Site Plan with revised parking information submitted by the applicant.
- Neighboring parcels have designated parking spots for their residences.

Motion made by Vice Chairman Jim Luckner, seconded by Randi Morf, 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 Ivankovic – Yes, Nick Mercurio – Yes, Randi Morf – Yes, John Hughes – Yes

Motion carried.

Motion made by Randi Morf, seconded by John Ivankovic, to refer this application to Town of Rosendale Police, Rosendale Water & Sewer, Rosendale Highway and Rosendale Fire.

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

Motion carried.

Motion made by Vice Chairman Jim Luckner, seconded by Jere Brown, to waive the public hearing for application #2024-4-Site Plan Review Lift Café & Juice Bar.

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

Stephanie Alessandrini, Kathy Haake and Jenn DeLaney are present on behalf of this application.

The applicants explain the history of the project and why they are applying for this amendment:

- This application was approved in May of 2022. The applicant came back in May 2023 for a requested one-year extension on their approval because they were delayed waiting for equipment.
- The building permit for this project was acquired and issued on September 7th 2023.
- Once construction commenced, the applicant became aware of bed rock within the project location. They stopped working and conducted field work to examine the scope of work necessary to overcome the bedrock obstacle. Ultimately it was decided that an amendment to the solar panel locations was best to avoid blasting into the bedrock.

The following is discussed with the applicant:

- Road – Board member John Ivankovic heard some complaints from neighbors about traffic disturbance and noise from the vehicles doing the tree removal on Coutant Road and Grist Mill Road.
- There will be an increase in tree removal and ground disturbance with this requested amendment. But they will avoid blasting into the bedrock.
- There will be a decrease in panel area.
- Trees were removed in 2023 within the required timeframe set forth by the DEC for the endangered Northern Long Eared bats.
- Board member Jere Brown asks how they are handling erosion control now that the ground has been disturbed by the tree removal and grading. He is concerned because there have been issues with erosion control on other Solar Farm projects in Ulster County.
- Mrs. Alessandrini responds that they have erosion control and sediment control set up on site.
- SWPPP – Mrs. Alessandrini informs the board that their inspector has been on site conducting interval inspections since the construction started and updating the necessary documents.
- Tree removal is regulated by the DEC.
- An escrow check of \$3,000 was received from the applicant for Planner and Engineer review of application documents.

- Revised SWPPP will need to be reviewed by Rosendale engineer, Brinnier and Larios.
- The Town of Rosendale MS4 officer, Nick Wulczyn, will need to sign the revised SWPPP after it is reviewed and approved by the engineer.

Review of Rosendale Planner, Dave Plante, Memo Comments:

- *The number of rows of tracking solar panels has been increased by one (1) additional row.*
- *The length of the tracker panel rows has been changed to include more variability from the previously approved site plan.*
- *The previously approved area of panels was 19.75 acres. During revisions, panels have been moved and re-arranged. The new paneled footprint is proposed to be 19.63 acres, a decrease of 0.12 acres.*
- *The previously approved area within the solar array fence was 25.62 acres. Due to panel revisions, the fenced area has been increased to 27.58 acres, an increase of 1.62 acres.*
- *The amount of tree clearing is increasing slightly between the previously approved project and the current proposal. Approximately 34.87 acres of tree clearing was originally approved for this project. Substantial clearing on the site was completed during Winter 2023/2024. An additional 1.81 acres of tree clearing is proposed as part of this site plan amendment, bringing the proposed total clearing area to 36.68 acres.*
- *The number of equipment pads has been reduced from two (2) smaller pads east of the proposed access road to one (1) larger pad west of the proposed access road.*
- *The amount of grading required for the conversion of the existing driveway to the proposed limited use pervious gravel access road has changed significantly.*
- *The existing culvert under Chetta Lane/access drive, originally approved to remain in place, is now proposed to be replaced.*

- *The Planning Board should reaffirm its prior classification of the project as a “Type I Action” pursuant to the New York State Environmental Quality Review Act (SEQRA - 6NYCRR § 617) and reaffirm its status as SEQRA Lead Agency for this project. Once the application is deemed complete and prior to the opening of a public hearing for the project (if one is held) or the vote on the potential approval of the project (if a public hearing is not held), the Rosendale Planning Board could entertain a motion to reaffirm its prior “Negative Declaration of Significant Adverse Environmental Impact” if it feels the project has not substantially changed enough to result in significant adverse impacts to the environment.*

- *The property is located within 500 linear feet of the Esopus/Rosendale municipal boundary and within 500 feet of Interstate 87. The proposed project does not qualify for any of the exemptions from referral to the Ulster County Planning Board pursuant to the Land Use Referral Guide of 2016 (Table I). As such, the application should be referred to the Ulster County Planning Board pursuant to New York State General Municipal Law §239-m.*

- *Pursuant to §75-40(C)(3)(f) of the Rosendale Town Code, the Planning Board can elect to hold a public hearing for the project. A vote on the approval/disapproval of the project must*

occur within 62 days of the close of the public hearing, or, if no hearing is held, 62 days from the date the application is deemed complete. Pursuant to New York State General Municipal Law §239- nn, because the proposed project site is located within 500 feet of the Town of Esopus, the Rosendale Planning Board must provide written notice of the public hearing (if held) to the Town of Esopus at least ten (10) days prior to the scheduled hearing.

Motion made by Nick Mercurio, seconded by Randi Morf, to reaffirm its prior classification of the project as a “Type I Action” pursuant to the New York State Environmental Quality Review Act (SEQRA - 6NYCRR § 617) and reaffirm its status as SEQRA Lead Agency for this project.

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.

Motion made by John Hughes, seconded by John Ivankovic, to send a public hearing notice and application documents to the Town of Esopus once the public hearing is set.

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.

Motion made by Nick Mercurio, seconded by Randi Morf, to refer this application to the Ulster County Planning Board with the condition that the revised documents are submitted, and the Rosendale Planner Memo is updated to reflect the supplemental information by the May 24th deadline for application submission.

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.

MISC:

1. A letter was received from the Town Board with notice of Public Hearing for Local Law #6 of 2024, a Moratorium on actions subject to applications and review related to camp, campground, camping uses for a period of 180 days. The Planning Board has no comments on the moratorium.
2. Ulster County Public Safety Radio Tower – The board is asked to review the documents provided by Ulster County and submit comments about the proposed project to the Town Board.

ADJOURNMENT:

Motion made by Vice Chairman Jim Luckner, seconded by Randi Morf, to adjourn at 9:03pm.

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