

# TOWN OF ROSENDALE PLANNING BOARD MINUTES

THURSDAY, NOVEMBER 14<sup>TH</sup>, 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	Excused
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	Excused
Brisa Casas, Planning Board Clerk	Present

There is no representative present from the Rosendale Environmental Commission.

Alternate Marc Cassidy announces that he will be resigning from the Planning Board. He was elected and will serve on the Rosendale Town Board as a Councilmember starting in 2025.

We wish him luck as he continues to serve the community of Rosendale.

## MINUTES:

Motion made by John Ivankovic, seconded by Nick Mercurio to accept the minutes from September 12<sup>th</sup> 2024.

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

Motion carried.

## NEW BUSINESS:

**Application: #2024-11- Site Plan Review (ADU)**

**SBL: 70.9-2-6**

**Location: 136 Bruceville Road**

**Applicant Name(s): Maria Reidelbach and Michael McDonough**

Maria Reidelbach and Michael McDonough are present to represent this application.

Mrs. Reidelbach wants to convert a space in her existing garage into an accessory dwelling unit. She did not meet the required setbacks from her front property line, therefore she applied to the Zoning Board of Appeals for an Area Variance.

She was granted the Area Variance (ZBA Resolution #3 of 2024)

Pursuant to the Town of Rosendale ADU Code she must now be reviewed for a Site Plan Review by the Rosendale Planning Board.

Motion made by 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, John Hughes – Yes, John Ivankovic – Yes, Nick Mercurio– Yes

Motion carried.

Mrs. Reidelbach request the public hearing to be waived because they already held a public hearing during the Zoning Board of Appeals application Area Variance review process and no public comments were made about the proposed ADU.

Motion made by Jere Brown, seconded by John Hughes, to waive the public hearing for application #2024-11.

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

Motion carried.

Motion made by John Hughes, seconded by John Ivankovic, to refer this application to town Highway, Police, Fire Department and Water/Sewer Department

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

Motion carried.

**Application: #2024-12- Special Use Permit- Lands of Eddyville Corp.**

**SBL: 55.4-3-13**

**Location: Off Route 32 and Dewitt Mills Rd**

**Applicant Name(s): Mike Gans and Lynn**

Mike and Lynn are present on behalf of this application.

The board discusses the project with the applicants.

This parcel is located within two towns therefore they are also currently going through a review and approval process with the Town of Ulster for the logging that will take place in their jurisdiction.

The only road they will be using to enter/exit is “Blacks Road” located in the Town of Ulster. No Town of Rosendale roads are proposed to be used for this logging project.

The applicant, Mike Gans, confirms that only “Blacks Road” will be used, no other access point is feasible with the terrain.

**Review of Rosendale Planner Dave Plante’s November Memo Comments:**

- As required under §75-28(D)(15) of the Rosendale Zoning Code, a timber management plan has been provided for the proposed operation. After review of the management plan, it is recommended that the plan be revised to include the following: §75-28(D)(15)(d)[3] – the plan shall include the total number of existing trees on the property.
- §75-28(D)(15)(d)[6] – the plan shall include an assessment of specific soil types and slopes present on site and of erosion and stormwater control measures to be implemented. It is also recommended that the site plan illustrate the location of erosion and sediment controls (i.e. silt fence, silt sock, etc.) to be employed in areas where ground disturbance is anticipated.
- §75-28(D)(15)(d)[8] & [10] – the plan shall include measures to preserve aesthetic values, including establishment of buffer zones to mitigate visual impact of the site from adjoining roads, neighboring parcels and nearby prominent elevations. The Applicant should include details regarding how vegetated/forested buffers will be maintained between the logging operation and neighboring properties and roadway corridors (i.e. along I-87, NYS 32 and other neighboring road frontages). All buffers shall be consistent and compliant with those required under §75-28(D)(15)(j) of the Rosendale Zoning Code
- §75-28(D)(15)(d)[12] – the plan shall include cleanup and reclamation measures for the property for when logging activities are completed.
- Pursuant to §75-28(D)(15)(g) of the Rosendale Zoning Code, the Applicant is required to provide a copy of the signed contract between the timber harvester and property owner(s), which shall include a performance guaranty in a form determined acceptable to the Town

Board, such guaranty naming the Town of Rosendale as an insured party, and filed with the Town Clerk, to insure proper cleanup and implementation of the forest management plan and to insure consistency with the Timber Harvesting Guidelines of New York, or Section 11, Timber Harvesting Standards, of the New York State Forest Practice Board's Recommended Model Timber Harvesting Ordinance. Any financial arrangements between the timber harvester and the property owner(s) may be redacted from the copy of the signed contract submitted to the Planning Board.

- Pursuant to §75-28(D)(15)(m) of the Rosendale Zoning Code, the Applicant is required to provide a copy of a certificate of insurance filed with the Town Clerk, naming the Town as the co-insured or additional insured party. The liability shall hold the Town harmless in any logging operation and shall be in an amount determined by the Town Planning Board and shall include attorney's and other legal fees.
- The Applicant has indicated in the application package that they propose to physically alter approximately 22 acres of the project site for the proposed logging operation. Pursuant to 6 NYCRR 617.4(B)(6)(i) of SEQRA, any action that physically alters more than 10 acres of land is a Type I action. As such, as required under 6 NYCRR 617.6(A)(2) of SEQRA, the Applicant cannot use the Short EAF for the proposed project, and should prepare and submit a Full EAF Part I for review.
- The Applicant should confirm for the Planning Board the total amount of disturbed ground/soils that will result from the proposed project. If more than one (1) acre of ground will be disturbed, the Applicant will need to prepare a Stormwater Pollution Prevention Plan (SWPPP).

Motion made by John Ivankovic, seconded by Vice Chairman Jim Luckner, to set a public hearing for December 12<sup>th</sup> 2024.

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

Motion carried.

After some discussion with Mike Gans about the soil disturbance, Rosendale Planner Dave Plante confirms a SWPPP is not necessary for this project.

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

Motion carried.

Motion made by John Hughes, seconded by Chairman Billy Liggan, to refer this application to the Highway, Police, Fire Department and Water/Sewer Department

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

Motion carried.

MISC:

Pre-app workshop discussion with Grenergy for a future Margarita Battery Storage Facility on Coutant Road.

ADJOURNMENT:

Motion made by John Ivankovic seconded by Chairman Billy Liggan, to adjourn at 8:50pm.

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

Motion carried.

Respectfully submitted,  
Brisa Casas  
Planning Board Clerk