

**Final**  
**TOWN OF ROSENDALE**  
**PLANNING BOARD MINUTES**

Thursday, November 13<sup>th</sup>, 2014  
Rondout Municipal Center  
1915 Lucas Ave.  
Cottkill, NY 12419

Chairman, Billy Liggan called the meeting to order with the Pledge of Allegiance at 6:45pm.

**ROLL CALL:**

Chairman, Billy Liggan	Present
Dave Plante, Bergmann Associates	Present
Randi Morf	Present
Fred Greitzer	Present
Joseph Havranek	Present
Nick Mercurio	Present
Jere Brown	Present
John Ivankovic	Present (Arrived at 7:15pm)
Bill Moylan (Alt)	Excused
Brandon Walsh	Present
Heidi Haynes, Act. Planning Board Clerk	Present
Jen Metzger, Town Board Liaison	Present

**Pre Application Conference:**

Bart Dyshuk presented the Board with questions regarding farming and the sale of produce on his property located on Creeklocks Rd. The Board advised Mr. Dyshuk to apply for a Special Use Permit for indoor crop growth and roadside farm stand.

**Minutes:**

A motion was made by Jere Brown to accept the minutes with the following amendments:

Acting Chairman, Joe Havranek called the meeting to order with the Pledge of Allegiance.

Chairman, Billy Liggan appointed Joe Havranek to Acting Chair for the remainder of the meeting.

Pg. 1 Paragraph two "The Board had a discussion regarding the area of disturbance buffer zone" should read "The Board had a discussion regarding the area of disturbance still being shown within the wetlands buffer zone on the applicants map".

Pg. 2 Paragraph one "Part II of the Short EAF was read by Joe Havranek and copy placed in file" should read "Part II of the Short EAF was read out loud to the Board by Joe Havranek. It was deliberated and completed for the record".

Pg. 2 Paragraph two “A motion was made by Nick Mercurio to deem the application complete and to classify this project as type II Action pursuant to SEQRA (6NYCRR § 617) with a negative declaration for significant impact” should read “A motion was made by Nick Mercurio to deem the application complete pursuant to SEQRA (6NYCRR § 617) with a negative declaration of significant adverse impact”.

Pg. 2 Paragraph six “Billy Liggan made the motion to grant the application final conditional approval” should read “Billy Liggan made the motion to grant the applicant final conditional minor subdivision approval”

Pg. 2 Paragraph seven “Billy Liggan made the motion to deem the application complete pursuant to SEQRA (6NYCRR § 617) with a negative declaration for significant impact” should read “A motion was made by Billy Liggan to deem the application complete pursuant to SEQRA (6NYCRR § 617) with a negative declaration of significant adverse impact”.

Pg. 2 Paragraph seven should be added “Part II of the Short EAF was read out loud to the Board by Joe Havranek. It was deliberated and completed for the record”.

Pg. 3 Paragraph four “Randi Morf made the motion to grant the application final approval” should read “Randi Morf made the motion to grant the applicant final minor subdivision approval”.

Joe Havranek seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes, Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Abstained  
Motion Carried.

### **New Business:**

Sprint Wireless Special Use Permit #2014-8

Planning Board member Randi Morf recused herself and Alternate Board member Brandon Walsh stepped in.

Robert Gaudio of Snyder & Snyder presented the Board with the application for a Special Use Permit for Sprint Wireless for the property located at 138 Maple Hill Rd. The applicant is seeking to replace 6 existing antennae with three new panel antennae, a microwave dish and associated equipment within the existing equipment shelter.

The upgrades are to provide Sprint with better coverage for the area. The Town will conduct a “post construction” structural inspection. There will be no additional visual impact. The tower will undergo some reinforcements to accommodate changes as per the Town Code and additional upgrades.

The Board reviewed the comments from the Town Planner. There were no objections to the comments by the applicant.

Joe Havranek recommended referring the application to the Environmental Commission for their comments as required by the Town of Rosendale Town Code. The Environmental Commission has forty-five days to submit their comments from the date of referral.

Joe Havrenek made the motion to classify the project as an “Unlisted Action”

pursuant to SEQRA (6NYCRR § 617), to declare the Planning Boards intent to act as SEQRA Lead Agency for this project and declare to conduct an uncoordinated SEQRA review of the project.

Fred Greitzer seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Recused,  
Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

Fred Greitzer made the motion to schedule a Public Hearing for January 9<sup>th</sup>, 2015.

Nick Mercurio seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Recused,  
Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

#### Hudson River Valley Resort Site Plan #2014-9

The Applicant, Hudson River Valley Resorts, has submitted an application for a “Site Plan Review” for a preliminary phase of site development for the Hudson River Valley Resort project located on Binnewater Road. The applicant is requesting approval to begin clearing on approximately 7.49 acres of the project site. They will only be clearing a portion of the 7.49 acres. They will not be clearing the entire 7.49 acres. The tree clearing will be conducted during the winter months so as to coincide with the permissible tree clearing period of November 1 through March 31 in an effort to avoid significant adverse impacts to endangered bat species.

Brandee Nelson of Crawford & Associates Engineering and Brian Cafferty presented the application to the Board.

Ms. Nelson explained that the small diameter brush will be chipped and used on the ground surface. The logs will be taken to the tennis courts where they will be stockpiled. The initial clearing will be for the purpose of roadways and water/ sewer infrastructure. Some of the logs, depending on species and quality, will be milled to be used on site. The Board advised the applicant to coordinate with Town and County highway prior to transporting the logs off site. The applicant explained that at this time all activities will be handled internally on the property. They are not proposing to transport any logs off the site at this time. The applicant is not proposing accessing Binnewater Road. Only clearing to the road. Initially all work will be done internally. The applicants NY State certified surveyor will be defining the area of clearance. The trees to be saved will be wrapped and marked. The applicant’s qualified inspectors will be visiting the site once per week to verify that the sediment and erosion control measures are being fulfilled. The reports will be made available to the Town. All the permits for the project will be kept on site for the duration of the project. The applicant’s Notice of Intent has been submitted. They will not be impacting any wetlands during this phase of activity. A revised copy of the NOI has been submitted to the Town.

The concept SWPPP for the entire Master plan has been submitted. Every phase moving forward will require an updated, detailed SWPPP. Building Inspector, Tom Fiore issued a SWPPP MS4 acceptance form.

There is no requirement for the Board to refer the application to the Environmental Commission.

Prior to taking action on the application the Planning Board is required to issue its Findings Statement. The Planning Board decided to adopt the findings of the lead agency.

Billy Liggan made the motion to adopt the Town of Rosendale's Town Board's Findings Statement and SEQRA Statement in addition to the NYS DEC's Findings and SEQRA Statement in reference to the Hudson River Valley Resort Project.

Joe Havranek seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes, Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

The Planning Boards Finding Statement will be referred to the Lead Agency and all the involved agencies as required and Supervisor Walsh.

Billy Liggan made the motion to refer the complete application to the Ulster County Planning Board as well as Supervisor Walsh for their December 3<sup>rd</sup> meeting.

Randi Morf seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes, Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

The Board had a discussion regarding whether to waive the Public Hearing.

Joe Havranek explained that it was not necessary to hold a Public Hearing because it is not required by code and Public Hearings have been held in the past regarding the application.

Joe Havranek made the motion to waive the Public Hearing.

Randi Morf seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes, Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer Abstained, John Ivankovic–Yes  
Motion Carried.

Joe Havranek made the motion to authorize Billy Liggan to sign the Findings Statement on behalf of the Rosendale Planning Board.

Jere Brown seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes, Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

**Old Business:**

The Board had a discussion regarding the proposed Economic Enterprise Overlay District.

Nick Mercurio and Jere Brown concurred with the County's comments, and submitted the same as their own. One concern Joe Havranek had was that the neighboring properties have redress if they are not in favor of the zoning change. Dave Plante noted that the current Town code allows for a zoning change to be overturned if the property owners provide a petition and follow the process.

Billy Liggan made the motion to adopt the recommendations of the Ulster County Planning Board and to also include a provision that all adjacent property owners be notified, in writing and Public Notices be posted, at least ten days in advance of Public Hearings concerning any proposed property changes in the EEO Zone.

Joe Havranek seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes,  
Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

Joe Havranek made the motion to enter into Executive Session at 8:25 pm. for personnel matters.

Randi Morf seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes,  
Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

Joe Havranek made the motion to exit Executive Session at 8:40 pm with no action taken.

Randi Morf seconded the motion.

Roll Vote: Billy Liggan –Yes, Joe Havranek –Yes, Randi Morf- Yes,  
Nick Mercurio - Yes, Jere Brown-Yes, Fred Greitzer-Yes, John Ivankovic – Yes  
Motion Carried.

Joe Havranek made a motion to adjourn the meeting at 8:43pm.

Respectfully submitted,  
Heidi Haynes, Planning Board Clerk Interim