

TOWN OF ROSENDALE PLANNING BOARD

MINUTES

THURSDAY, JANUARY 13TH, 2022
RONDOUT MUNICIPAL CENTER
1915 LUCAS AVE.
COTTEKILL, NY 12419

Chair Billy Liggan, called the meeting to order with the Pledge of Allegiance at 7:02 pm.

ROLL CALL

Billy Liggan, Chairman	Present
Jim Luckner, Vice Chairman	Present
Jere Brown	Present
John Ivankovic	Present
Nick Mercurio	Present
Randi Morf	Present
Dave Plante, Bergmann Associates Consultant	Present
Councilwoman 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 Chairman Billy Liggan, seconded by John Ivankovic, to accept the minutes from December 9th, 2021

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

Motion carried.

PUBLIC HEARING:

Application: #2021-6-Site Plan Review-Café, Bar and Coffee Roaster

SBL: 70.8-5-5

Location: 1 Madeline Lane

Applicant: MUD LLC

James Armata, Yasmina Palumbo, Chris Snyder of Passero Associates and Greg Northrop are

present on behalf of this application.

*This application has a public hearing that was left open at the December 9th 2021 meeting and is currently still open.

Public Comment:

- Email correspondence was received from Mark Ressler and Sage Jobsis of 5 Madeline Lane, with public comments in support of this business and in support of the board giving them a parking waiver.
- Lauren Walling– In support of this project being approved.

Motion made by John Ivankovic, seconded by Nick Mercurio, to close the public hearing on application #2021-6-Site Plan Review- MUD Café, Bar and Coffee Roaster-1 Madeline Lane at 7:23pm.

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

Motion carried.

The board discusses the following:

- Trees – Current trees and plantings should be maintained. The applicant is not proposing to change much of the current landscaping other than cleaning it up and possibly removing a tree near the corner of the parking lot/property line for safety. Although the exact locations of plantings should be demarcated on the Final Site Plan for review.
- Parking Control Apparatus/Bumper Rail - the exact location and device should be demarcated on the Final Site Plan for review.
- Refuse (Garbage) – location was moved so it is no longer an issue for screening
- Parking – 7 spots are demarcated on the Site Plan; 13 total parking spots are required. A waiver could be given by the board for the remaining required parking spots.
- The applicant approached surrounding business owners to discuss possible overflow parking locations but he was unable to come to any agreements for the remaining spots needed.
- Music – The applicant is proposing light music within the building. They would like to use a juke box, radio or acoustic guitar. But there are no plans for live music events that would cause loud noise.

Bergmann Memo Comments from Dave Plante:

- *A conceptual landscaping plan and menu of planting types have previously been provided. The Applicant stated that if any plantings should die, they will be replaced in kind.*
- *That the operation and maintenance of the property, inclusive of landscaping, be maintained for the duration the business is in operation, and that any dead landscaping be replaced within a reasonable amount of time; and*

- *That when final landscaping is selected for the property, and updated landscaping plan be submitted to the Town Planning Board and Bergmann for review.*
- *The parking bumper rails at the perimeter of the parking area are still not illustrated on the site plan. It is recommended that any potential approval of the project should be conditioned upon the Applicant providing a final site plan that illustrates the location of these tails once a location has been decided.*
- *The redelineation of interior space has resulted in the Applicant requesting a significantly lower waiver of parking requirements, reducing their request from nineteen (19) spaces down to thirteen (13) spaces. The Applicant maintains that the seven (7) on-site parking spaces are adequate for their operations. The Planning Board can deliberate waiving some of the requirements under §75-40(C)(5) of the Rosendale Town Code which grants the Planning Board the ability to waive certain requirements of site plan approval if it so chooses. These should be weighed against the concerns expressed by the Town Highway Superintendent and the Town Police Chief in their referral responses detailed below.*

Motion made by John Ivankovic, seconded by Nick Mercurio, to waive the parking requirements on application #2021-6-Site Plan Review- MUD Café, Bar and Coffee Roaster-1 Madeline Lane

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

Motion carried.

Motion made by Jere Brown, seconded by John Ivankovic, for approval of the proposed Site Plan Review in application #2021-6-Site Plan Review-MUD LLC-Café, Bar and Coffee Roaster (SBL: 70.8-5-5) with the following conditions:

- (1) All fees are paid in full
- (2) Parking Control Apparatus (ex. bumper rails) must be submitted, reviewed and approved by Dave Plante.
- (3) The applicant must keep the landscaping maintained and replaced when needed with native species/deer resistant.
- (4) The Final Site Plan must be submitted, reviewed and approved by Dave Plante.
- (5) The applicant must be aware of parking problems that can arise in the future and mitigate the issues promptly.

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

Motion carried.

Application: #2021-8-Special Use Permit- Logging
SBL: 62.11-1-10.110
Location: 835 4th Binnewater Lane
Applicant: Justin Venezia & Tedi Setton

Justin Venezia and Tedi Setton are present on behalf of this application.

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 Jere Brown, to classify the project as an Unlisted Action, to declare its intent to serve as “Lead Agency” and to conduct an uncoordinated SEQRA review pursuant to the New York State Environmental Quality Review Act (SEQRA).

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

Motion carried.

Motion made by Randi Morf, seconded by Vice Chairman Jim Luckner, 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

Motion carried.

Motion made by Vice Chairman Jim Luckner, seconded by John Ivankovic, to open the public hearing on application #2021-8-Special Use Permit-Logging-835 4th Binnewater Lane-Justin Venezia and Tedi Setton 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

Motion carried.

Tedi and Justin give a summary of the proposed logging on their property. The proposed logging will result in improvements to the forest health, they found many diseased hemlock trees, standing or dangerous fallen trees and overgrowth limiting healthy growth of native plants/trees. The removal of widow-makers/dead trees makes the property safer all around. There will be approximately 11 trees per acre removed. The trees will be inspected and marked for removal; no clear cutting is occurring. The logging will be done over a 2-3 week period depending on the weather. The cutting will be conducted during the day. 500 feet within the property they will set up a staging area for the trucks and materials.

Public Comment:

Yvonne – What trails are on the property that they are referring to?

Tedi – There are old hunting trails that are being referred to as skid roads.

Yvonne – Are there plans for future commercial use of the land?

Justin – No we have no plans to commercialize the property. We bought the land for us to enjoy it. We will have friends and family occasionally visiting. In the future we will build our forever home and keep the land for hunting, hiking, trail running for ourselves.

Tracy Luma – We have a shared driveway with this property, will there be damage to the driveway or will the tree removal cause water runoff/mud?

Tedi – The trucks will pull into an area 500 feet into the property and stage/park them. The logging company is responsible for cleaning/maintain the driveway daily for any damage that occurs including mud, water and ruts.

Justin – There should be no water runoff effects to the driveway from tree removal because majority of the tree removal is being conducted within the larger area of the parcel.

Peter Rosendorff- Will there be noise created daily from logging and trucks?

Tedi – The loggers will remove the trees during the day, nothing at night, you will hear the sounds of chainsaws in the woods. Once they gather enough cut trees the logging truck will haul them out. The whole process should be done within 2-3 weeks depending on weather.

Peter Rosendorff- Will you make a profit from the logging?

Tedi – Yes, we will make a profit but its not the reason we are conducting this logging.

Tracy Luma – Is this a one time permit to allow the logging?

Chairman Billy Liggan – Yes, they are only be reviewed and potentially approved for this application with the proposed logging. If they want to do more logging in the future they will have to apply again and go through the whole process again.

Rob and Lacey (840 4th Binnewater) – We are only concerned about transparency and the potential future use of this land. We would be concerned if this logging is being done in preparation of a future subdivision with multiple residences. But if the applicant is doing this for personal use, we have no problem with the logging.

Justin – We love this property and the only future plans for it is to build our dream house/forever home. We will most likely build further into the property but not creating another neighborhood.

Chairman Billy Liggan – If they want to do a subdivision in the future they would be right back here in front of the planning board for another application review and public hearing.

Motion made by Jere Brown, seconded by Randi Morf, to close the public hearing on application #2021-8-Special Use Permit-Logging-835 4th Binnewater Lane-Justin Venezia and Tedi Setton at 8:19pm.

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

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

Motion carried.

Bergmann Memo Comments from Dave Plante:

- *A revised site plan dated 12/14/21 has been submitted which clearly delineates the area where selective tree harvesting will occur*
- *At the December 2021 Rosendale Planning Board meeting, the Applicant indicated that they will provide an inventory, including photographs, of Binnewater Lane and Binnewater Road prior to logging work taking place. The Applicant indicated that they will work with Town of Rosendale Highway Superintendent Robert Gallagher on documenting the existing condition of both roads. In correspondence dated January 11, 2022, Superintendent Gallagher requested that the roadway (Binnewater Lane) must be cleaned daily and free of mud and/or debris, and also will require the posting of a \$15,000 bond for the use of any repairs needed for the roadways. It is recommended that the Planning Board should consider as a condition of any potential approval that this documentation be submitted to both the Highway Department and Building/Planning Department prior to undertaking logging activities at the subject property.*
- *It is recommended that the Planning Board should consider as a condition of any potential approval that this documentation be submitted to both the Highway Department and Building/Planning Department prior to undertaking logging activities at the subject property, in consultation with the Town Board with respect to the amount of the performance guaranty, unless the Planning Board so chooses to waive this requirement formally as allowed under Town Code.*
- *It is recommended that the Planning Board should consider as a condition of any potential approval that this documentation be submitted to both the Highway Department and Building/Planning Department prior to undertaking logging activities at the subject property.*
- *The Applicant has added the areas of the NYSDEC freshwater wetland adjacent area to the proposed site plan and has illustrated that their Forest Improvement Area will remain outside the DEC wetlands and its 100-ft buffer.*
- *The Applicant has committed to conducting all tree clearing within the bat hibernation period as denoted by NYSDEC recommendations in their revised Forest Management Plan. We continue to recommend that this seasonal tree clearing restriction be a condition of any potential approval from the Rosendale Planning Board.*

The board discusses the following:

- An email was received from the Rosendale Highway Department Superintendent Bob Gallagher stating the required road bond amount was lowered to \$5,000 for this project,
- The bonding contract language should be revised and submitted to include information for The Town of Rosendale.
- Trucks should not interfere with school bus routes; this should be added to the logging company's contract.
- Town of Rosendale should be referenced in hold harmless and additionally insured.
- Letter from Highway Super requires the road to be cleaned and maintained daily by logging company.
- Proof of liability insurance and workers comp insurance must be submitted.
- This application was refered to the Ulster County Planning Department for review and comments. Tedi and Justin were present at their meeting and there were no comments and no county impact. Board member Jere Brown was also in attendance and he concurs the project had no county impact.

Motion made by Vice Chairman Jim Luckner, seconded by John Ivankovic, for approval of application #2021-8-Special Use Permit-Logging-835 4th Binnewater Lane with the following conditions:

- (1) The Rosendale Highway Department Superintendent requires any mud and or/debris to be cleaned up on a daily basis for duration of project.
- (2) A \$5,000 bond is required to be submitted to the Rosendale Highway Department for use of repairing any damage to the road from Box 835 to County Road.
- (3) Insurance information is updated to include the Town of Rosendale as additionally insured.
- (4) Copies of the certificate of Liability Insurance and Workers Comp for the company doing the logging is required to be submitted.
- (5) Hours of logging must be coordinated to not conflict with local school bus system pick up/drop off.
- (6) 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

Motion carried.

PRE-APPLICATION WORKSHOP-

Womens Studio Workshop (Binnewater Road)

Lauren Walling and Tatana Kellner are present to talk about this potential project. They would like to upgrade the current building. They want to move/upgrade the ceramics studio, add private studios with exterior entrances and enlarge/move the screen printing studio.

This proposed project will need a Site Plan Amendment review.

MISC:

Ulster County Planning Board News from board member Jere Brown:

Ellenville – Marijuana Farm facility received county approval and is moving along quickly. The facility will grow medical marijuana and shipping/delivering the product to NYC for retail dispensary. There is no retail on site at the facility location in Ellenville.

ADJOURNMENT:

Motion made by Randi Morf, seconded by Jere Brown, to adjourn at 9:09 pm

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

Motion carried.

Respectfully submitted,
Brisa Casas
Planning Board Clerk