

# TOWN OF ROSENDALE PLANNING BOARD MINUTES

THURSDAY, JUNE 9<sup>TH</sup>, 2022  
RONDOUT MUNICIPAL CENTER  
1915 LUCAS AVE.  
COTTEKILL, NY 12419

Chair Billy Liggan, called the meeting to order with the Pledge of Allegiance at 7:05 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 (via video conferencing) |
| Councilwoman Carrie Wykoff, Town Board Liaison | Excused                          |
| Brisa Casas, Planning Board Clerk              | Present                          |

There is no representative present from the Rosendale Environmental Commission.

## MINUTES:

Motion made by Jere Brown, seconded by Randi Morf, to accept the minutes from May 12th, 2022.

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

Yes – 5  
Abstain - 1

Motion carried.

## NEW BUSINESS:

Application: #2022-2-Lot Line Adjustment

SBL: 62.3-8-24, 62.3-8-25, 62.3-8-31.370

Location: 19 Tan House Brook Road and 1750 Lucas Avenue

Applicant: Lands of Michael and Sharon Graff, Lands of Ronald and Arlene Fleitman

Michael Graff is present on behalf of this application.

He explains to the board that this is a simple lot line revision between him and his neighbors. Nothing will physically change about either parcel and it will have no impacts to the neighborhood.

The board reviews Bergmann Memo Comments from Dave Plante:

- *Lands of Fleitman (62.3-8-24) comprised of vacant land at 1.39 acres will convey 0.796 acres to Graff (SBL 62.3-8-31.370) and 0.594 acres to the other Fleitman Parcel (SBL 62.3-8-25) at 1750 Lucas Avenue, eliminating lot 62.3-8-24;*
- *Lands of Graff (SBL 62.3-8-31.370) originally at 7.47 acres will acquire the 0.796 acres from Fleitman above and will convey 0.001 acres to Lands of Fleitman (62.3-8-24) resulting in an 8.269 acre parcel; and*
- *Lands of Fleitman (62.3-8-25) originally at 1.82 acres will increase to 2.409 acres as noted above.*
- *It is recommended that the Applicant provide updated plats marked "Final Plat" in the number of copies and media (paper, mylar, etc.) prescribed by the Planning Board Clerk. With the following additional recommended changes: If private wells water are being utilized by both residences, their locations should be added to the Final Plat along with the required private well setback.*
- *The Applicant and their surveyor should confirm to the Planning Board if the parcels are served by no sewer or water (1.0 acre minimum lot size) or sewer (private or public) OR water (0.75 acre minimum lot size) and update the "Town Zoning Information" table on their plat accordingly. The Applicant's lot-line adjustment application indicates that the lots are served by private sewer (not septic) which is defined as "community sewer" in §75-56 of the Town of Rosendale Zoning Code. In both instances, the lots are of conforming size, however the plat and/or application form should be accurate.*
- *It is recommended that final copies of the revised deeds for the affected parcels be provided to the Rosendale Planning Department once filed with the Ulster County Clerk.*
- *The Rosendale Planning Board should make a motion to classify the project as a Type II action pursuant to SEQRA, Part 617.5(c)(12). Since the project is a Type II action, no further SEQRA consultation is necessary.*
- *Per the Memorandum of Agreement (MOA) signed between the Rosendale Planning Board and the Ulster County Planning Board, lot-line adjustments have been excluded from County review. Therefore, referral to the Ulster County Planning Board is not required.*
- *The lot-line adjustment will result in a net transfer of land of 0.797+/- acres. The classification of the type of sewerage for the parcels will determine whether or not the transfer exceeds the minimum required lot area thresholds for the R-1 zoning district, with a minimum lot size of 1.0 acres for parcels with no sewer or water and 0.75 acres for parcels with sewer OR water, pursuant to §60-8.1(A) of the Rosendale Town Code. Therefore, the Planning Board cannot*

*determine whether the public hearing can be waived until clarification is given by the Applicant on type of sewer service to the parcels. A public hearing for the proposed lot-line adjustment cannot be waived by the Board if the amount of land transferred exceeds the minimum lot size for the zoning district.*

The following is discussed by the board and applicant:

- Private Septic – correction on plat
- Well Locations should be shown on parcels
- It is requested that the Septic, Reserve Septic and Well are demarcated on each parcel
- No change in driveway location
- No addition of driveway from Lucas Ave is proposed
- The public hearing can be waived.

Motion made by Vice Chairman Jim Luckner, seconded by Randi Morf, to classify this application as a Type II action pursuant to SEQRA, Part 617.5(c)(12).

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 Nick Mercurio, to waive the public hearing for the proposed lot-line adjustment, application #2022-2.

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 Randi Morf, to approve application #2022-1- Special Use Permit-173 Coutant Road- Lewis Solar Partners LLC with the following conditions:

- (1) All fees are paid in full
- (2) The *Final Plat* is clearly labeled
- (3) The *Final Plat* is revised to show locations of a well, septic and reserve septic
- (4) The *Final Plat* should be filed within 62 days of Planning Board signatures
- (5) The new deeds for each parcel are filed with Ulster County and after they are filed copies of the new deeds are provided to the Rosendale Planning Board
- (6) At least (4) paper copies and (1) mylar copy of the Final Plat are submitted for Planning Board signatures

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: #2022-3-Site Plan Review

SBL: 62.82-5-2

Location: 446 Main Street

Applicant: Joseph McIntyre and Mike Ruger

Project Name: Stepping Stone

Chairman Billy Liggan informs the board that he spoke with Joseph prior to his application submission about this project, the conversation was mainly based on the Planning Board review process for Site Plans.

The Planning board thanks Chairman Billy Liggan for his transparency however it sounds like the conversation was about very basic information and there is no need for Billy to recuse himself from this review.

Joseph McIntyre is present on behalf of this application. He explains this business to the board. It is a production company that works with local artist and the Rosendale Theatre. It is currently functioning in two separate buildings on the other side of Main Street. However, a rental agreement could not be made so he would like to move and combine his business to 446 Main Street. The move will allow his business to be in the same building that he currently resides in, he lives in the apartment on the second floor. He would also like to add a liquor license to his business. This liquor license would allow him to serve some drinks and small food plates to people coming for artist showcases. It will not be a bar open to the public on a daily basis.

The board reviews the Bergmann Memo Comments from Dave Plante:

- *The following uses are proposed on the project site, all of which are allowed by Site Plan Approval in the B-1 Main Street Rosendale Hamlet district in the Town of Rosendale.*
  - *Recording Studio (SIC Code 7389) – Allowed by Site Plan Approval*
  - *Theatrical Productions (SIC code 7922) – Allowed by Site Plan Approval*
  - *Bands and Other Entertainers (SIC Code 7929) – Allowed by Site Plan Approval*
  - *Theater/Music/Personal Development Classes (SIC Code 8299) – Allowed by Site Plan Approval*
- *At 0.32 acres (13,939 SF), the lot is not an existing undersized lot in the B-1 Main Street Rosendale Hamlet district, which requires a minimum lot size of 5,000 square feet. No changes to the exterior footprint of the existing building are proposed.*
- *The names of all owners of record of the property in question and of all adjacent property and the lot, block and section number of such properties as shown on the Official Town Tax Assessment Maps should be added to the site plan.*
- *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 location of NYS Route 213 should be delineated on the site plan.*
- *The Applicant should delineate the existing sidewalk along NYS 213 on the site plan. The Applicant's site plan does not indicate whether any exterior improvements will be made to the existing building (i.e., lighting, painting/siding, signage, landscaping, etc.). The Applicant should clarify whether any exterior improvements are being proposed and if so, additional detail should be provided in the site plan drawing set. The Applicant should be reminded that all proposed lighting fixtures must be downward facing and shielded, and that the proposed fixtures are IESNA Dark Sky Compliant. Any signage should be in conformance with §75-22 of the Rosendale Town Code. Any other exterior work to the building that may be proposed should be conducted to compliment the historic nature of the building and the fact that it is eligible for listing on the National Register of Historic Places by the New York State Historic Preservation Office.*
- *The Applicant should confirm that no improvements are proposed within the NYSDOT Right of Way.*
- *Pursuant to §75-19(A)(2)(a)[2] of the Rosendale Town Code, one (1) parking space is required for each 400 square feet of gross office floor area for professional;/personal service commercial uses. Ulster County Parcel Records indicate that indicate that the building itself has a gross floor area of 5,188 square feet, of which it appears the Applicant will be utilizing 2,177 square feet of the first floor. The Applicant should confirm that this is actual proposed gross floor area. Based on this gross floor area, a minimum of six (6) on-site parking spaces need to be provided. The provided site plan indicates that twenty-four (24) 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 board requires the Site Plan to be updated and supplemental information be submitted by the applicant to include the following:

- the location for the ADA accessible entrance on Site Plan
- van size handicap parking spot indicated on the site plan
- supply us with renderings/pictures of signage
- put locations of signs on Site Plan
- Confirm days/hours of operation for the entire year.
- It was suggested to not limit hours/days because the applicant may need those days/hours extended in the future. If the hours are limited the applicant would need to come back to the Planning Board for a Site Plan Amendment for the changes.
- add adjoining parcel owner names on site plan
- add and label sidewalk on site plan
- add and label Main Street on site plan
- update parking lot with labeled dimensions of the parking spots on site plan
- supply lighting cut sheets if you add/changes lighting and add their locations to the site plan.

Motion made by Nick Mercurio, seconded by Vice Chairman Jim Luckner, to classify the project as an Unlisted Action pursuant to SEQRA, 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 John Ivankovic, to refer this application to the Rosendale Police Chief, the Rosendale Highway Superintendent, the Water Sewer Department and the Rosendale Fire Department for review and comments.

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 Nick Mercurio, to waive the public hearing for the proposed Site Plan, application #2022-3-Stepping Stone.

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.

#### MISC:

Ulster County Planning Board Information from board member Jere Brown:

- ❖ Town of Ulster – The old Office Depot location will become Harbor Freight store.

#### ADJOURNMENT:

Motion made by Jere Brown, seconded by John Ivankovic, to adjourn at 8:13 pm.

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

Motion carried.

Respectfully submitted,  
Brisa Casas  
Planning Board Clerk