

Town of Athens Planning Board  
Meeting Minutes of February 22, 2024  
2 First St., Athens, NY 12015

The Town of Athens Planning Board came to order on February 22, 2024 at 7:00 p.m. with the following members present: Chairman Scott Fischer, Member Thomas Satterlee, Member Frances McCusker; Member Barbara Trembacz; Member Gerald Bunting; Member Kenneth Fuller. Also present: Gail Stacey, Secretary.

Also in Attendance: Marcus McGregor; Tami Bone; Ed Bloomer; Caryn Mlodzanowski, Bohler Engineering; Adam Yagelski, Delaware Engineering; George McHugh, Town of Athens Attorney.

Stay at Lina Public Hearing.

Secretary Gail Stacey read the Public Hearing as published in the newspaper.

There were no residents in attendance for the public hearing.

Member Barbara Trembacz made a motion to closed the public hearing seconded by Member Kenneth Fuller. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

Caryn Mlodzanowski of Bohler Engineering came before the Board to review the details of the plans and application that still need to be addressed.

The Board feels that the applicant will exceed the acre limit of disturbance.

Grading for Lots 2, 3, and 4 is not outlined on the plans. Retaining wall, cutbacks, etc. need to be included in the plans. The grading Plan needs to be clearer and more detailed for disturbance. Pool area needs more details pertaining to how it will be built, disturbance, and any retaining walls.

Subdivision Plat: ECode Section 154-19 (Parks) does not apply to this application.

Ecode Section 154-19F (Preservation of Natural Features): “no tree with a diameter of eight inches or more as measured three feet above the base of the trunk shall be removed unless such tree is within the right-of-way of a street as shown on the final subdivision plat. Removal of additional trees shall be subject to the approval of the Planning Board”.

The Board agrees that that trees within the area that the homes will be built, along with dead trees, can be cleared.

On a motion made by Member Barbara Trembacz seconded by Member Gerald Bunting, the Board will forgo Section 154-19F of the Town Code and allow trees of differing sizes to be cut with the area that the homes will be built. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

Chairman Fischer and the Board will give the applicant an additional month to try and get the total amount of area disturbance down to below an acre. If this cannot be done, then a full SWPPP will be needed.

Member Kenneth Fuller made a motion seconded by Member Barbara Trembacz that tree clearing would only happen for roadways, perimeter of homes, septic fields, etc. that are within

disturbance and life. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

The final Plat should be submitted at the meeting in March.

A Public hearing will need to be scheduled for the Special Use permits for the homes.

Member Kenneth Fuller made a motion to schedule the Public hearing for the three lots with homes for March 28, 2024 and to Authorize the Planning Board secretary to publish said Public Hearing in the newspaper seconded by Member Thomas Satterlee. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

Applicant will send the public hearing notices to the residents.

The homes will be A-Frame houses, 2 stories, metal roofs. The septic design for the homes accommodate plans for 5 bedrooms and 2 bathrooms. One of the homes will be built into the slope; the foundation will be the retaining wall.

Chairman Fischer will contact someone from West Athens Limestreet Fire Department for comment on the driveway design. Code Enforcement Officer Albert Gasparini will also be contacted to check into the Code for the driveways.

The road maintenance agreement is still being worked on. Will submit a completed agreement by the March meeting.

Andy Didio, Taconic Engineering came before the Board to review the items from the last meeting that were addressed and those that still need to be finished.

\*SWPPP- Sterling has reviewed the Environmental has reviewed the stormwater plan and the applicant is in a good spot with them. The strategy is sound. 3 of the 7 design points are completed, the 4<sup>th</sup> is being worked on. Will part of the conditional approval.

\*Water Supply- Village has adequate capacity. The Village Engineers report was submitted. The Village Mayor and Attorney have given the applicant the go ahead to provide the email that has been submitted. They believe they are in the path of connection.

\*Avoidance Plan- Engineers are working on.

\*Site Phasing Plan- Phase 8 and 9 of the SWPPP (Phase 2 of Site Plan) would be coming back in front of the Board for review.

Delaware Engineering will do the Resolution for Site Plan Approval with conditions.

Chairman asked to poll the Board to see how they stand with doing SEQR at the March meeting.

Member Trembacz- yes

Member McCusker- yes

Member Fuller- yes with conditions

Member Bunting- yes

Member Satterlee- yes

Chairman Fischer- yes

Adam Yagelski, Delaware Engineering reviewed Code 180-56: Special Use Permits, Section E. Standards, with the Board.

#4 "The planning Board's review of an application for special use permit shall include, but is not limited to, the following considerations:

(a) The general land use performance standards applicable to the proposed use.

- (b) Compatibility of the proposed use with adjoining properties, with the natural and built environment in the area, and any applicable overlay districts.
- (c) Adequacy of parking for the proposed use.
- (d) Accessibility to fire, police, and emergency vehicles.
- (e) Suitability of the property for the proposed use, considering its size, topography, vegetation, soils and hydrology and, if appropriate, its ability to be buffered from neighboring properties and public roads.
- (f) Environmental, social and economic impacts of traffic, noise, dust, odors, release of harmful substances, solid waste disposal, glare or any other nuisances.
- (g) Adequacy and arrangement of vehicular traffic access and circulation, including intersections, road widths, drainage channelization structures and traffic controls. Consideration will also be given to the project's impact on the overall traffic circulation system of the Town. All proposed traffic accessways shall be adequate but not excessive in number, width, grade, alignment, and visibility. No undue traffic congestion or hazard will be created.
- (h) Adequacy and arrangement of pedestrian traffic access and circulation, including but not solely limited to, separation of pedestrians from vehicular traffic, control of intersections and overall pedestrian convenience; and where appropriate, consideration of access and facilities for bicycles.
- (i) Location, arrangement, size, design and general site compatibility of buildings, lighting and signs; ensuring consistency and compatibility of new development with the rural and small town character of Athens.
- (j) Adequacy, type and arrangement of trees, shrubs and other landscaping constituting a visual and/or noise deterring buffer between the project and adjoining properties.
- (l) Adequacy of provisions of the disposal of stormwater and drainage, sanitary waste and sewage, providing water supply for both fire protection and general consumption, solid waste disposal and snow removal storage areas.
- (m) Protection of adjacent properties against noise, glare, unsightliness or other objectionable features.
- (n) Retention of existing trees and vegetation for protection and control of soil erosion, drainage, natural beauty and unusual or valuable ecology.
- (o) Such use is suitably located in relation to transportation, water and sewerage requirements of this chapter, or where not specifically required, that such facilities are otherwise adequate to accommodate anticipated use.
- (p) The character of the Town, neighborhood and values of surrounding property are safeguarded.
- (q) Historic and natural resources. The proposed use shall be designed and shall be carried out in a manner that protects historic and natural environmental features on the site under review and in adjacent areas. In reviewing the plans, the Board shall give consideration to the historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area. In addition, the Planning Board shall review for and ensure compatibility of new structures with existing buildings on site and in the area.
- (r) Size and Scale. The location and size of such use, the nature and intensity of operations in or conducted in connection with the use, the size of the site in relation to the use, its site layout and its relation to exiting and future access streets shall be such that both pedestrian and vehicular traffic will not be hazardous or inconvenient to, or incongruous with, said

residence district or conflict with the normal traffic of the neighborhood.

(s) In or adjacent to a residence district. In addition to the above criteria, in the case of any use located in or directly adjacent to a residence district:

[1] The location and size of such use, the nature and intensity of operations involved in or conducted in connection therewith, the size of the site in relation to the use, its site layout and its relation to existing and future access streets shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to or incongruous with said residence district or conflict with the normal traffic of the neighborhood”.

All bullet points have been addressed.

\*Dumpster enclosures: 2 on site. Time for trash pick up no earlier than 8:00 a.m.

\*Traffic Study has been done.

\*Pedestrian Traffic- interior speed limits, one way traffic, 16-ft driveways ample for car and Pedestrian. Maps will be given with directions to campers site.

\*Both ponds will have dry hydrants. A wet hydrant will be by the main road (Schoharie Tpke).

\*Snow Removal- snow will be pushed somewhere on site, no off-site removal.

\*Historic and Natural Resources- SHPO is involved.

\*Size and Scale shall not pose a safety hazard to people or traffic coming or going.

\*Official application has been submitted to the Village for municipal water.

SEQR will be completed at the March meeting.

Discussion:

Convenient Store/Gas Station:

1: Canopy is incorrect- Code 180-47K- canopy must match the adjoining building. Code Enforcement has been contacted. Canopy has to be changed.

2: Color of building is incorrect. Applicant will need to come before the Board for a Site Plan Modification.

ARX Wireless Lawsuit: still with the Zoning Board of Appeals.

Minutes:

Reviewed by the Board.

Member Barbara Trembacz made a motion to approve the minutes as written seconded by Member Gerald Bunting. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

With nothing further to come before the Board, Member Frances McCusker made a motion to Adjourn the meeting seconded by Member Gerald Bunting. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Bunting; Fuller). Motion carried.

Meeting adjourned at 8:30 p.m.

Respectfully Submitted,

Gail Stacey  
Planning Board Secretary