

Town of Athens Planning Board Meeting Minutes
April 25, 2024 @ 7:00 p.m.
2 First St., Athens, NY 12015

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

Also in Attendance: Dustin James; Hailee Dickson; Amin Dawoodani; Ahil Dawoodani; Chuck Holtz; Code Enforcement Officer Albert Gasparini; Steve Wilson, Bohler Engineering; Lorraine Hagon; Joseph and Mary Ann Stanzione; Mike and Jennifer Konsul; Adam Yagelski, Delaware Engineering; Town Attorney George McHugh; Town Clerk Phyllis Dinkelacker.

A motion to open the public hearing for the proposed subdivision of land owned by Michael Roberts was made by Member Thomas Satterlee seconded by Member Barbara Trembacz. All were in favor (Fischer; McCusker; Trembacz; Satterlee; Fuller). Motion carried.

Secretary Gail Stacey read the public hearing notice as published in The Daily Mail.

Chuck Holtz came before the Board representing Michael Roberts. He addressed any questions from the public regarding the subdivision. Ms. Hagin has land that is within 500 ft of the property and wanted to know what the plans for the property are. Mr. Holtz explained that since the property is split by the thruway, it just makes sense to subdivide the parcel. There will be no improvements to the property that he is aware of; he is just in front of the Board for the subdivision. Mr. Stanzione reviewed the plans and inquired if the meeting was to determine if this was a buildable lot as to which the answer was no. The lot to be subdivided is 43 acres, the split would be 15 acres and 28 acres. The lot is not land locked.

With nothing further from the public, a motion was made by Member Barbara Trembacz to close the public hearing seconded by Member Kenneth Fuller. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

NYS Thruway has been sent notice as an interested party as part of the coordinated review process and Mr. Holtz feels that they have no say in the decision process and that he has sent notice to them as an adjacent landowner. He feels that the Board should not have to wait the required 30 days for a response and as to date, there has been no response from the NYS Thruway Authority.

Delaware Engineering has proposed that the Board can do a conditional approval for the subdivision pending a response from the NYSTA with no objections as to which the Board agrees.

Chairman Fischer read SEQR Part 2. Board agrees with answers on Part 2.

A motion to declare negative declaration was made by Member Thomas Satterlee seconded by Member Barbara Trembacz. All were in favor (Fischer; McCusker; Satterlee; Trembacz; Fuller). Motion carried.

A motion to vote on the conditional approval pending response from the NYSTA and the Town of Catskill after which, Chairman Fischer will sign the approval was made by Member Kenneth Fuller seconded by Member Thomas Satterlee. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

Amin and Ahil Dawoodani came before the Board to discuss the list of changes that will be made to the convenient store/gas station.

South Elevation: A decorative four-foot fence was added to the plans for the patio area. Color was discussed; black was preferred by the Board. There will be no stone on the building on this side as trees will be planted. The landscaping plan for this area was discussed. Sugar Maple trees will be planted. Planters will be added. The store equipment will be on this side. Moon Glow Junipers will be planted on the Old Kings Rd. side. Board agrees with landscaping plan to accommodate for lack of stone on the building for the south side.

North Elevation: Single side light will be replaced with double side light, incorrect wood beam finish detail to be replaced with correct finish, the stone around the columns will be installed once received, two additional windows will be installed per plans, wood beam detail in between windows will be installed.

West Elevation: Steel door installed, wood beam finish detail to be installed.

East Elevation: Glass Exit/Entry Door to be installed and centered with windows on each side going to patio area, canopy will be installed over door with beam detail, the long horizontal window area has been omitted.

Pump Canopy: On the plans, the canopy was to be shingled as per code; it was installed incorrectly and was a flat top. The canopy will be torn down and the correct mansard will be installed.

Building: Windows were incorrect, grid windows will be ordered as agreed upon; Color of building is wrong, but the Board agrees that the existing color will be fine; Siding, vinyl versus hardy board, Board agrees that the existing siding can stay but that the owners must maintain if any cracks or damage may occur.

Invoices for the modifications were included with the documents submitted.

The Board agrees that the cost to replace the siding material would be too costly and a waste of material.

The Board agrees to all modifications.

The applicant had one final issue. Their gas supplier is asking that the koala, synergy/blade, and imaging (Mobil) be placed on the pumps. The imaging cannot be in place due to Town Code. The Board had a brief discussion.

Member Barbara Trembacz made a motion to deny the installation of the koala, synergy/blade and imaging on the pumps seconded by Member Kenneth Fuller. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

Chairman Fischer signed and dated the pump design as proof of denial.

The neighbor to the north side of the site has been complaining about the lack of fencing between the properties. Fencing and trees will be installed.

Steve Wilson, Bohler Engineering, came before the Board to discuss any remaining issues with the proposed subdivision for 9071 Rt. 9W.

The pool area has been taken off the plans. The owner feels that it is too costly for what they are proposing for the motel rehab. The area will be covered.

The area of disturbance is down to .84 of an acre.

The final plat will be submitted with the final location of the houses, areas of steep slopes, required setbacks, perc test sites, erosion/sediment control plan for single family homes for construction phase (subdivision).

The driveway maintenance agreement was submitted.

The Board agrees to the removal of the pool area. Revised on the plans April 17, 2024.

A winter cover was the proposed covering. Fencing around the area was discussed. The Board suggested to just filling it in. Delaware Engineering will reach out to the Regulators on this matter. The Board will work on this with Bohler.

Adam Yagelski, Delaware Engineering, reviewed Part 3 of SEQR.

-The proposed action involves two phases: Phase 1 is to renovate the existing four buildings into motel units, new water supply and septic, and related site improvements. Phase 11 includes the subdivision and creation of 3 additional residential lots.

-Steep Slopes: the project has been modified to limit the disturbance of the pool area.

-On-site wastewater and water facilities will be subject to regulatory approval.

-The action may involve land disturbance of 1 or more acres of land. This has been revised to eliminate the disturbance associated with the pool replacement.

-The project site contains regulated freshwater wetlands. The project activities will avoid these areas.

-Landscaping will be installed to fit into the natural landscape.

-Time-of-the-year tree clearing restrictions for the protection of the Northern Long-eared bats will be adhered to.

Adam Yagelski also reviewed Resolutions SAL 1-5 2024 with the Board.

Resolution SAL-1-2024 Phase 2: a Resolution to Issue a SEQR Determination.

Resolution SAL-2-2024 Phase 2: a Resolution to Approve a Special Use Permit (for houses).

Resolution SAL-3-2024: a Resolution to Conditionally Approve a Minor Subdivision. The Town Attorney must approve the language of the proposed Access Agreement.

Resolution SAL-4-2024 Phase 2: a Resolution to Approve a Site Plan (houses).

Resolution SAL-5-2024: a Resolution to Issue Approval of an Amended Site Plan. Second to the last resolved was amended to read: Resolved, prior to issuance of a certificate of occupancy for the Phase 1 Project, the existing pool area must be secured, covered, or otherwise operated,

and/or removed in accordance with all applicable rules, laws, and codes, including applicable local codes, subject to approval by the Building Inspector.

A motion to approve Res. SAL-1-2024: Resolution to Issue a SEQR Determination (Negative Declaration) as written was made by Member Barbara Trembacz seconded by Member Thomas Satterlee. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

A motion to move the amended Resolution SAL-5-2024 to include and/or after operated in the second to last Resolved was made by Member Thomas Satterlee seconded by Member Barbara Trembacz. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

The Board, on the advice of the Town Attorney, will hold off on the vote for Approval of Special Permit Res. SAL-2-2024, Conditional Approval of Subdivision Res. SAL-3-2024 and Approval of Site Plan Res. SAL-4-2024.

A motion to Approve the amended Site Plan Res. SAL-5-2024 as currently written with adjustments was made by Member Barbara Trembacz seconded by Member Thomas Satterlee. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

When the finalized Plat is submitted, the final Resolutions can be voted on.

Dustin James, Crawford & Associates, came before the Board with a proposal for subdivision of a 20-acre plot of land located at 281 Valley Rd owned by Catskill Quarry LLC. The owner wishes to subdivide and convert the land into 4 residential lots with homes, wells, and septic systems. The land is located in the Green Lake Watershed Overlay which per code states that lots must be 5-acre minimum. The owner also owns property to the south of the property that is actively being mined. The property is home to a previous shale mine.

An escrow account, amount to be determined by Delaware Engineering, will need to be set up. Delaware Engineering will be involved in project. DEC as involved agency, SWPP, Mining Permit with reclamation plan.

Will be on the May 23, 2024 agenda.

West Athens Limestreet Fire Department: LED Signage: Automated. .03-foot candles above ambient. Red lighting, dimmed, no flashing or rotating. Not disruptive to motorists at night.

A motion to amend Light Site Plan Modification was made by Member Barbara Trembacz seconded by Member Frances McCusker. All were in favor (Fischer; Satterlee; McCusker; Trembacz; Fuller). Motion carried.

The Minutes of March 28, 2024 were reviewed by the Board.

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

Other Business:

-Green Lake Homestead is a no go. The perspective buyers pulled out.

-Deschaine coffee shop is being worked on.

-ZBA: ARX Appeal: ZBA decided that they have no jurisdiction to make a decision. Opposition can file Article 78 if they wish to.

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

Meeting Adjourned 8:55 p.m.

Respectfully Submitted,

Gail Stacey
Planning Board Secretary