

**VILLAGE OF CATSKILL
PLANNING BOARD
422 Main St.
Catskill, NY 12414**

**Board Members
Patrick McCulloch, Chairman
Ann Gibbons, Gilbert Bagnell,
Michele Pulver, Mitchell Smith,
Tom Gibson, Anthony Petrianni**

Minutes: July 12, 2021

Roll Call: Patrick McCulloch, Mitchell Smith, Gilbert Bagnell, Tom Gibson, Ann Gibbons, Anthony Petrianni, Sherri Law (Secretary), Ted Hilscher (Village Attorney), Mike Ragaini (CEO), Pete Grassi (Trustee), Joe Kozloski (Trustee), Angelo DiCaprio Sr., Angelo DiCaprio Jr., Judith Dryland Shapiro, Jesse Moore, Garo Yezlin, Robert Cargiolo, Jennifer Osswald, Ryan Osswald, Alyson Milbourn, Patrick Milbourn, Michelle Williams, Kenwyn Reeve, Lawrence Leslie, Joseph Visconti, Sarah Amedure, Lisa Marafioti, and Chris Rappleyea.

Began Meeting at 7:00PM

Patrick McCulloch called the meeting to order with the Pledge of Allegiance, took roll call (Michele Pulver Excused), and requested a motion to approve the minutes from June 14 and June 29, 2021. Mitchell Smith motioned to approve the minutes with the submitted corrections from Gilbert Bagnell for June 29, 2021. Second by Anthony Petrianni. All in favor of approving the minutes. Minutes approved.

Public Hearing (Mermaid Cafe, 374 Main Street, Michelle Williams)

Michelle Williams was present to appear for her scheduled public hearing pertaining to 374 Main Street. Planning Board Secretary, Sherri Law, read The Notice of Planning Board Public Hearing for the Village of Catskill aloud and the meeting was opened to the public:

Please take notice that the Planning Board of the Village of Catskill, Greene County, New York will hold a public hearing on Monday, July 12, 2021 at 7:00PM at The Senior Citizens Center, Academy Street, Catskill, New York. The public hearing is for the purpose of the review of the application for building permit and revisions to site plan by Michelle Williams for 374 Main Street, Catskill, New York. Members of the public may be heard on the application at the public hearing or may submit comments in written form. The application materials are on file with the Village of Catskill and are available for public inspection.

Michelle Williams began by turning in the receipts from the public mailings she had done. There were 7 total receipts. Kenwyn Reeve was also present to discuss the plans of the addition at 374 Main Street, mentioning that the purpose was to create outdoor seating behind the building and that the proposed addition would include a concrete patio and wood front deck. Kenwyn Reeve also showed the PB members an updated land survey mapping out the property lines. Gilbert Bagnell asked that as a result of the survey if any plans have to change. Kenwyn Reeve stated that the survey did not affect the original plans and that the survey confirms the location of the adjacent village property. Sarah Amedure, a paralegal, was present to represent, Lawrence Leslie, an adjacent property owner at 15-19 William Street. Sarah Amedure read aloud an objection to the site plan application. Please see the attached letter of objection that was submitted. Lawrence Leslie stated that his 2 properties are located on William Street and are adjacent to the 374 Main Street property. Lawrence Leslie stated that he has

concerns with the noise and lighting that this addition will bring as well as a fear that it would decrease his property value. Michelle Williams stated that the proposed addition could seat 8 people and that the business hours of operation were 12-9PM. Village Attorney, Ted Hilscher, stated that the land on William Street is adjacent to the Central Commercial District and that a restaurant is a permitted use in that zone. Sarah Amedure brought up that the proposed concrete slab would cover Lawrence Leslie's sewer line and that the concrete slab would cause a change in grade affecting water flow. Ted Hilscher stated that the sewer line was not a concern of the PB and was for the two landowners to discuss and solve. Chris Rappleyea asked if the new addition would be handicap compliant. Kenwyn Reeve stated that there would be access from the parking lot. Ted Hilscher stated that that was a building code issue and not for the PB to decide. Patrick McCulloch requested a motion to close the public hearing. **Gilbert Bagnell motioned to close the public hearing. Second by Ann Gibbons. Motion carried. Public hearing closed.** Ted Hilscher read the SEQR questions aloud:

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	X	
2. Will the proposed action result in a change in the use or intensity of use of land?	X	
3. Will the proposed action impair the character or quality of the existing community?	X	
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	X	
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkway?	X	
6. Will the proposed action cause an	X	

increase in the use of energy or fail to incorporate reasonably available energy conservation of renewable energy opportunities?		
7. Will the proposed action impact existing: A. Public/private water supplies? B. Public/private wastewater treatment utilities?	X	
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural, or aesthetic resources?	X	
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora, and fauna)?	X	
10. Will the proposed action result in an increase in the potential for erosion, flooding, or drainage problems?	X	
11. Will the proposed action create a hazard to environmental resources or human health?	X	

Patrick McCulloch stated that the only issue may be with #10. Gilbert Bagnell asked the square footage of the proposed concrete slab. Kenwyn Reeve stated that it would be about 360 square feet. Sarah Amedure stated that there would be no access to the sewer line under the concrete slab. Several people mentioned that there are sewer lines running under various sidewalks and houses now. Ted Hilscher stated that the 360 square foot concrete slab would be adjacent to the parking lot and was not a significant increase in comparison. Gilbert Bagnell mentioned that the concrete patio could present a

significant burden on Mr. Leslie if there were a problem with his sewer line, and also that the proposed use of the space behind his building would similarly impact his property. However, this is a problem that the Planning Board has dealt with in the past, because the legal development of unused property often impacts neighbors who previously got the benefit of that empty space. Unfortunately that is what happens when you do not own the adjoining lands. **Patrick McCulloch requested a motion for negative declaration on the SEQR. Gilbert Bagnell motioned for negative declaration. Second by Tom Gibson. Motion carried. Patrick McCulloch requested a motion to approve the application with the stipulation that all patrons must exit the addition areas by 9:00PM. Tom Gibson motioned to approve the application with the stipulation. Second by Anthony Petrianni. Motion carried with stipulation.**

Fence Permit (163 Spring Street, Ryan Osswald)

Ryan and Jennifer Osswald were present to apply for a fence permit for 16 Spring Street. Ryan Osswald stated that the proposed fence would be 6 feet high made of basic stockade in the back and 4 feet high made of wood slat in the front. **A public hearing was scheduled for July 26, 2021 at 7:00PM at the Senior Citizen Center. The PB informed Ryan Osswald that he would have to send out notifications via certified mail to any adjacent properties by July 19, 2021 and also requested that photos of the fence materials be submitted prior to the public hearing.**

Public Comment

Chris Rappleyea asked for clarity on leasing space in an owned property to someone who wasn't a resident of that property and if a variance was needed. Ted Hilscher stated that a variance would be required and that if the use is permitted in that areas that it would go in front of the PB and if the use was not permitted, it would go in front of the ZBA. Chris Rappleyea also asked if a permit was required to install solar panel in a historic district. CEO, Mike Ragaini, stated that a building permit would be required and that it would have to come in front of the PB.

Board Discussion

None

Tom Gibson motioned to adjourn the meeting. Second by Mitchell Smith.

Meeting adjourned at 7:54PM.

Next PB meeting is scheduled for July 26, 2021 at the Senior Center at 7:00PM.

Public Hearing for 163 Spring Street scheduled for July 26, 2021 at the Senior Center at 7:00PM.



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July 12, 2021

Village of Catskill Planning Board
422 Main Street
Catskill, NY 12414

**RE: Application for Building Permit
Our File No.: 2841-1001**

Dear Members of the Catskill Planning Board,

We represent Lawrence Leslie in connection with Michelle William's application for site plan approval. My client received notice of tonight's hearing on Friday afternoon. Given the minimal notice that my client received, I am unable to attend in person. My Paralegal, Sarah Amedure, will hand deliver this letter. I am submitting this correspondence as a formal objection to the Ms. William's Application.

The current application for outdoor dining is improper and premature. The Village of Catskill Zoning Regulations § 4.3.5 (a) set forth what must be included in a site plan application. Ms. William's current application fails to include the following:

- "Existing and proposed contours at intervals of not more than five (5) feet of elevation." The proposed construction is on a sloped area. Construction on a slope raises issues of run-off and handicapped access, among other things. Unless the Planning Board knows the site, the slope is not apparent in the application.
- "Description of sewage disposal and water supply systems and location, design, and construction of such facilities." We understand that at least one sewer line traverses underneath the proposed building site. It would be improper to restrict access to any public utility by pouring concrete over the sewer line.
- "Description and location of erosion control measure including proposed location of sediment sink/settling pond and interceptor swales, etc." There are none of these noted.

- “Location and design for stormwater management facilities.” Nor are there any storm water notations.
- “Drainage report including supporting design data and copies of computation used as a basis for the design capacities and performance of drainage facilities.”
- “An estimated project schedule.” The application merely notes the schedule to be “before the summer season.”
- “Record of application for an approval status of all necessary permits from federal, State, and county officials.” There are no indications that any other permits were applied for or received.
- “Evidence of compliance with the State Environmental Quality Review Act, if applicable, including determinations and findings.” Given the proposal will render much of this hill impervious to rain by covering that ground with concrete and decking, SEQRA review is vitally important. SEQRA must be completed before the public hearing is closed.
- “Copy of a current deed.”

Further, the application clearly states that “applications are not accepted without insurance requirements”, however, Ms. Williams has failed to include the Affidavit of Exemption that she indicated she would submit in satisfaction of the insurance requirement.

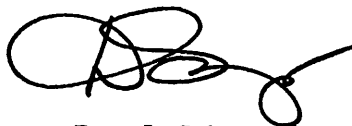
Additionally, the Public Hearing that is being held today, July 12, 2021, is not in compliance with The Village of Catskill Zoning Regulations § 4.3.8 that states “Such public hearing shall be scheduled within sixty-two (62) days from the time of Planning Board certification that the application is complete.” The current application was submitted on March 29, 2021, with no indication that the Planning Board deemed the application complete.

Finally, the drawings submitted by the applicant do not set forth her property lines. It appears that the public dining will be six feet from client’s windows. Further, his basement access will have 3-foot-tall wall, 6 feet from it. From a preliminary review, it seems as though her existing outdoor dining is potentially on Village property.

Please forward the receipts from the certified mail that were filed “1 full day prior to the schedule meeting as proof of mailing” for the Public Hearing as well as the documentation for the referral to the Greene County Planning Board for our advisory review.

If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,



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